County Planning Committee

Date       Tuesday 3 December 2013
Time       2.00 pm
Venue      Council Chamber, County Hall, Durham

Business

Part A

1. Apologies for Absence

2. Substitute Members

3. Declarations of Interest

4. Minutes of the meeting held on 5 November 2013 (Pages 1 - 10)

5. Applications to be determined
   a) CE/13/00849/FPA - Rennys Court and Car Park, Rennys Lane, Gilesgate, DH1 2JE (Pages 11 - 28)
      Demolition of light industrial unit and 5no. dwellings and erection of 350 bed student accommodation scheme.

   b) CMA/6/64 - Hilton Moor Farm, Evenwood Gate, Bishop Auckland, County Durham, DL14 9NS (Pages 29 - 52)
      Construction of new equestrian centre including indoor arenas, outdoor arenas, viewing platform, car parks, horsebox park, stables, implement store, erection of vehicle workshop. Change of use from agricultural holding to sporting use.

   c) CMA/3/59 - Green Lane Travellers Site, Green Lane, Bishop Auckland, Co Durham. DL14 6RS (Pages 53 - 64)
      Refurbishment of Gypsy Roma Traveller site to include an increase in plot numbers from 21 to 25, and the erection of amenity blocks, community building, warden’s block, play area and associated infrastructure works.

6. Appeal Decision Update (Pages 65 - 66)
7. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration

8. Any resolution relating to the exclusion of the public during the discussion of items containing exempt information

Part B

Items during which it is considered the meeting will not be open to the public (consideration of exempt or confidential information)

9. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration

Colette Longbottom
Head of Legal and Democratic Services

County Hall
Durham
25 November 2013

To: The Members of the County Planning Committee

Councillor K Davidson (Chairman)

Councillors J Allen, B Armstrong, D Boyes, J Buckham, M Dixon, D Hall, G Holland, A Laing, R Lumsdon, C Marshall, G Richardson, A Shield, P Taylor and R Young

Contact: Ian Croft Tel: 03000 269702
DURHAM COUNTY COUNCIL

At a Meeting of County Planning Committee held in Council Chamber, County Hall, Durham on Tuesday 5 November 2013 at 2.00 pm

Present:

Councillor K Davidson (Chairman)

Members of the Committee:
Councillors D Boyes, M Dixon, J Gray, G Holland, C Kay, A Laing, C Marshall, G Richardson, A Shield, P Taylor and R Young

1 Apologies for Absence

Apologies for absence were received from Councillors J Allen, J Buckham and R Lumsdon.

2 Substitute Members

Councillor J Gray as substitute for Councillor J Buckham and Councillor C Kay as substitute for Councillor J Allen.

3 Declarations of Interest

There were no declarations of interest.

4 Minutes

The Minutes of the meeting held on 3 September 2013 were confirmed by the Committee as a correct record and signed by the Chairman.

5 Applications to be determined

5a 1/2013/08/DRC - High Hedley Hope Farm, East Hedley Hope, Bishop Auckland, Durham

The Committee considered a report of the Planning Officer regarding the discharge of conditions 4, 5, 6, 7, 8 and 9 of Planning Permission APP/X1355/A/12/2188741 granted at Appeal by the Secretary of State for a proposed anaerobic digestion plant (incorporating a farm slurry management system) and associated combined heat and power plant following the refusal of planning application reference
Phillipa Rothwell, East Hedley Hope Parish Council, addressed the Committee to express concern at the discharge of the conditions. She informed the Committee that the Parish Council acknowledged and supported the views of the Save Our Countryside Action Group regarding Conditions 4 and 9. Referring to Conditions 5, 6, 7 and 8, Ms Rothwell expressed the following concerns:

- **Condition 5** – the proposed lagoon was to be covered and there was concern about possible groundwater run-off and contamination. The location of the lagoon was to be on a hill top with sky as the background, and the proposed green finish was inappropriate.
- **Condition 6** – there were concerns that the ground conditions were not suitable for the construction of a lagoon, particularly around groundwater safety and potential contamination of land and water downhill from the site.
- **Condition 7** – Despite an updated landscaping plan being provided, this did not address the issue of stock proof fencing and public rights of way.
- **Condition 8** – The proposed locations for taking noise readings were inappropriate. More than one measurement should be made to allow for changes in atmospheric and wind conditions, and noise from the flare should be measured.

Concerns were raised that proper processes had not been adhered to and all aspects had not been considered.

Christina Stobart of the Save Our Countryside Action Group informed the Committee that the Group supported the views of the Parish Council around Conditions 5, 6, 7 and 8, and addressed the Committee to express concerns around Conditions 4 and 9 as follows:

- **Condition 4** – there was no consideration for cleaning vehicles if the water supply was interrupted and there was a potential skid hazard from vehicles transferring water on to the highway. Washing was essential to avoid cross contamination, for example bovine TB. The details submitted were not considered to be acceptable.
- **Condition 9** – A full traffic assessment should be carried out for vehicles using the proposed site. Although there were limits on the number of journeys for 7.5 tonne vehicles, there were no restrictions if smaller 7 tonne vehicles were used. Timings of vehicle movements should also be considered to take account of local school times.

Ms Stobart informed the Committee that objection to the application in the rural residential community would continue and urged the Committee to give weight to the comments made.

Steve Barker of Prism Planning, agent for the applicant, addressed the Committee. The planning application had been considered at an independent and objective planning appeal and planning permission had been approved. While it was the
right of the Parish Council and local residents to remain opposed to the application, they had approached it with a closed mind. None of the statutory consultees, other than the Parish Council, had any objections to the proposal. There would be no abattoir or fallen stock into the proposed facility.

Councillor D Bell, local Member, addressed the Committee. While he was not the local Member when approval for the facility was granted, he asked that the Committee took the views of local residents on board when reaching its decision, and if approval was granted, that constant monitoring of the facility took place.

The Strategic Principal Planning Officer informed the Committee that the proposed lagoon would be monitored by the Environment Agency as well as being the subject of an Environmental Permit. Referring to the cleaning of vehicles, the applicant had agreed to review the protocol if problems were encountered, and enforcement action could be taken if any material was being deposited on the highway. The Coal Authority had been satisfied with the groundwork investigation and the Planning Inspector had raised no issues regarding run-off. Regular monitoring of waste and mineral facilities would take place to ensure all conditions were being met.

Councillor M Dixon reminded the Committee that the planning application had been allowed by a Planning Inspector on appeal. The professional opinions of officers were contained in the report and Councillor Dixon moved approval of the report.

Councillor C Marshall informed the Committee he had considered the views of the objectors and the officers of the County Council and seconded approval of the recommendations in the report.

Councillor Boyes informed the Committee it must determine whether the protocols and conditions outlined were robust, and asked whether the definition of an HGV could be amended to ‘any large vehicle’. The Strategic Principal Planning Officer replied that the conditions to be considered were as stated by the Planning Inspector and did not specify any criteria for an HGV, although it was generally accepted that this was a vehicle of 7.5 tonnes. J McGargill, Highway Development Manager confirmed that an HGV vehicle was one which was greater than 7.5 tonnes adding that the applicant could use smaller vehicles without being in breach of conditions.

Councillor Holland referred to the lagoon and asked how toxic the waste contained within it would be. He also asked whether the lagoon was to be lined and impermeable or merely resting on sandstone.

C Shields, Planning Officer replied that the digester was producing fertiliser which was not toxic. The lagoon was lined and covered and was in effect a closed system.

Councillor Richardson expressed concerns about the siting of the lagoon and possible run-off and was unable to support the recommendations contained in the report.
Resolved:
That the recommendation contained in the report be approved.

5b  CE/13/01061/VOC - Land at Dalton Park, Murton, SR7 9HU

The Committee considered a report of the Senior Planning Officer regarding the removal of conditions 8 and 9 of Planning Permission PL/5/2013/0197 Peveril Securities (Dalton Park) Limited on land at Dalton Park, Murton (for copy see file of Minutes).

Resolved:
That the application be approved subject to the conditions outlined in the report.

5c  CMA/5/47 - Junction House Farm, Easington

The Committee considered a report of the Senior Planning Officer regarding an application for the siting of a single wind turbine of maximum blade tip height of 46m and associated works at Junction House Farm, Easington (for copy see file of Minutes).

P Herbert, Senior Planning Officer provided the Committee with a detailed presentation which included photographs of the site and a plan of the proposed layout. Members of the Committee had visited the site the previous day and were familiar with the location and setting.

Stuart Hutchinson, applicant, addressed the Committee. He informed the Committee that the application was for a small scale wind turbine, electricity from which would ensure the viability of businesses on Junction House Farm. The turbine would produce renewable energy which would reduce the carbon footprint of the businesses. The Farm had diversified business into the recycling of green waste, production of woodchips and biomass logs and currently was reliant on a diesel generator for electricity because the supply from the grid was insufficient. Mr Hutchinson informed the Committee that his family were proud stewards of the land it farmed and was heavily involved in the local community. Three sites for the wind turbine had been considered and this site was both the lowest and also the furthest away from Easington Village.

Councillor M Dixon informed the Committee that there was a higher wind turbine in the field next to this proposed siting. There were pylons in the surrounding landscape and this turbine would not have an impact on the landscape. The application both promoted and encouraged the business carried out at the farm and he supported the application.

Councillor G Holland informed the Committee that he was generally in favour of wind turbines if there was no serious landscape impact. Businesses needed to diversify, and there was a higher turbine on the adjacent farm. He supported the application.
Councillor Taylor informed the Committee that he had concerns about the cumulative effect of wind turbines but added that the applicant had made a compelling case for approving the application.

The Senior Planning Officer informed the Committee that if it was to approve the application, two additional conditions would need to be added, these being that further archaeological surveys be carried out and the results provided to the County Council.

**Resolved:**
That the application be approved subject to the conditions outlined in the report and additional the following conditions referring to archaeological surveys:

19. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work (a strip, map and record strategy) in accordance with a mitigation strategy document that has been submitted to, and approved in writing, by the local planning authority. The strategy shall include details of the following:

- Measures to ensure the preservation in situ, or the preservation by record, of archaeological features of identified importance.
- Methodologies for the recording and recovery of archaeological remains including artefacts and ecofacts.
- Post-fieldwork methodologies for assessment and analyses.
- Report content and arrangements for dissemination, and publication proposals.
- Archive preparation and deposition with recognised repositories.
- A timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the strategy.
- Monitoring arrangements, including the notification in writing to the County Durham Archaeologist of the commencement of archaeological works and the opportunity to monitor such works.
- A list of all staff involved in the implementation of the strategy, including sub-contractors and specialists, their responsibilities and qualifications.
- The development shall then be carried out in full accordance with the approved details.

*Reason: To comply with the NPPF as the site may potentially contain features of local archaeological importance.*

20. Prior to the development coming into commission, a copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy shall be deposited at the County Durham Historic Environment Record. This may include full analysis and final publication. Reporting and publication must be within one year of the date of completion of the development hereby approved by this permission

*Reason: To comply with paragraph 141 of the NPPF to make the information as widely accessible to the public as possible.*
The Committee considered a report of the Senior Planning Officer regarding an application for the erection of part 2 storey and part 3 storey special needs school with associated external play spaces, sports pitches, parking and pupil drop off areas, demolition of existing school buildings and hard standings at Durham Trinity School and Sports College, Flambard Premises, Aykley Heads, Durham (for copy see file of Minutes).

A Rawlinson, Senior Planning Officer, provided the Committee with a detailed presentation which included photographs of the site and a plan of the proposed layout. Members of the Committee had visited the site the previous day and were familiar with the location and setting.

Neil Charlton, local resident, addressed the Committee to object to the application. Mr Charlton informed the Committee that of the 12 houses in Duholme Close, letters of objection to the application had been received from 10 of them. While he had no objection to the provision of the new school, and agreed that the current school was in need of urgent redevelopment, he expressed concerns about the levels of traffic which would be generated. The school was currently on three separate sites around Durham, and this application would bring all three sites together at this location and would therefore treble the number of vehicle movements. A wider consideration was traffic which would be generated from the development of the current police headquarters site, the new police headquarters building which was under construction and the traffic which had been generated by the Rivergreen development, all of which travelled along the road which Trinity School faced. The report failed to address the cumulative effect of this traffic to the Aykley Heads site.

Gary Jemmet, Agent for the applicant, addressed the Committee. The application was an opportunity to both improve outcomes for education and also ensure pupil safety was improved. Pupils were currently dropped off at the school in lay-bys to the front of the school, but these lay-bys could only accommodate approximately 7 vehicles at any one time, of the 40 vehicles which travelled to the school, and this caused many problems. The design of the new school endeavoured to provide drop off bays and a turning loop within the boundary of the school. And this would lead to increased pupil safety. The school was keen to actively manage the traffic flow within the school. The application provided the best value scheme within the finances allocated to the project, would improve education provision and would also provide new playing fields.

The Senior Planning Officer informed the Committee that the two main issues raised by objectors were the impact of the proposal on ecology and traffic. Several ecology reports had been submitted and these were outlined at paragraphs 107 to 109 of the report. The County Ecologist and Natural England had raised no objections to the proposal and Condition 5 of the proposed planning permission provided mitigation. J McGargill, Highway Development Manager, informed the Committee that the Highway Authority had considered how the school currently operated and proposed to operate regarding pupil drop off. Currently, pupils were
dropped off in a lay by to the front of the school which caused vehicles to drive across the access road to Dunholme Close. The new access to the school would improve traffic flow to and around the school considerably.

Councillor Holland informed the Committee that this site was in his Ward until recent boundary changes. The site was in an outstanding setting and the application had the potential to provide an excellent facility. The current school was screened by mature trees these should be protected.

Councillor Shield expressed concerns for the safety of vulnerable children within the site of the proposed school.

Councillor Boyes, while recognising there may be traffic problems on the main road when the new development at Aykley Heads was built, informed the Committee that these could be addressed at the time of the applications for those developments.

In response to a question about wind turbines on the site, the Senior Planning Officer informed the Committee that none were included in the application.

Councillor Taylor informed the Committee that he was delighted to see the application for a new build school at this site, which was long overdue. While understanding the concerns of the objectors around traffic issues, he considered that these had been addressed by the applicant and the Council's Highways Development Manager.

Resolved:
That the application be approved subject to the conditions outlined in the report.

5e CMA/7/106 - West Cornforth Primary School, High Street, West Cornforth, Ferryhill, DL17 9HP

The Committee considered a report of the Senior Planning Officer regarding an application for the construction of a 210 place primary school with 26 FTE place nursery plus Sure Start facilities and associated hard and soft play areas and external areas and the demolition of existing school buildings at West Cornforth Primary School, High Street, West Cornforth (for copy see file of Minutes).

A Rawlinson, Senior Planning Officer, provided the Committee with a detailed presentation which included photographs of the site and a plan of the proposed layout.

Resolved:
That the application be approved subject to the conditions outlined in the report.
The Committee considered a report of the Senior Planning Officer regarding applications for the demolition of an existing school building and erection of replacement school building, provision of associated play and sports facilities and parking and alterations and refurbishment of listed building at King James I Comprehensive School, South Church Road, Bishop Auckland (for copy see file of Minutes).

H Jones, Senior Planning Officer, provided the Committee with a detailed presentation which included photographs of the site and a plan of the proposed layout.

Councillor C Kay, who was substituting for the local Member on the Committee, informed the Committee that the local Member was pleased that the application was being considered and that the improvement in facilities was welcomed by both the local and wider community. However, he considered opportunity had been missed to move the drop off point for the school from South Church Road, which was a busy arterial route, to within the curtilage of the school.

The Senior Planning Officer informed the Committee that the drop off point for pupils had been considered in some detail, but because of layout reasons, heritage assets within the school and the wider school building programme a drop off point within the curtilage of the school was not encouraged. However, the situation on South Church Road would be no worse than currently.

Councillor Holland informed the Committee that the school was adjacent to Bishop Auckland Cricket Club and asked whether there were any plans to integrate facilities at the school with the Cricket Club. The Senior Planning Officer replied that there were plans to integrate facilities at the school with the community. Lawrence Jones, of the Education Funding Agency added that he would feed this back to the Head Teacher at the school, although there were no plans for any specific link with the Cricket Club.

Resolved:
That the applications be approved subject to the conditions outlined in the report.

The Committee considered a report of the Planning Officer regarding an application for the refurbishment of an existing Gypsy Roma Traveller site at Drum Lane Traveller Site, Drum Lane, Birtley (for copy see file of Minutes).

C Shields, Planning Officer, provided the Committee with a detailed presentation which included photographs of the site and a plan of the proposed layout.
Resolved:
That the application be approved subject to the conditions outlined in the report.

5h CMA/1/61 - Former Maiden Law Hospital, Howden Bank, Lanchester

The Committee considered a report of the Senior Planning Officer regarding an amendment to conditions attached to a planning permission approved by Committee on 3 July 2012 relating to the provision of affordable housing (for copy see file of Minutes).

A Rawlinson’ Senior Planning Officer, provided the Committee with a detailed presentation of the report.

Councillor D Boyes informed the Committee that he would not normally agree with a reduction but considered 30% to be high and so moved the proposal. Councillor P Taylor informed the Committee he was not happy with the proposed change.

Resolved:
That the amended condition be approved.

The Chairman of the meeting was of the opinion that the following item of business was of sufficient urgency to warrant consideration because of the need to keep Members fully updated.

Appeal Update
Councillor Shield requested an update on Planning Application No. CMA/1/37 for a proposed surface coal mine at Bradley, near Leadgate, Consett and monies owed by UKC to the Council.

Claire Teasdale, Strategic Principal Planning Officer, advised the Committee that a letter had been sent to PINS on 25 October 2013 in response to a query. A response is expected from PINS in the next few weeks regarding the new inquiry. She advised that Members of the Committee would be kept fully appraised of the position once there were any developments. With regard to monies owed this continued to be investigated.
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**APPLICATION DETAILS**

**APPLICATION NO:** CE/13/00849/FPA

**FULL APPLICATION DESCRIPTION:** Demolition of light industrial unit and 5no. dwellings and erection of 350 bed student accommodation scheme

**NAME OF APPLICANT:** BAM Connislow (Rennys Lane Durham) Ltd

**ADDRESS:**
Rennys Court and Car Park, Rennys Lane, Gilesgate, DH1 2JE

**ELECTORAL DIVISION:** Belmont

**CASE OFFICER:** Barry Gavillet
Senior Planning Officer
03000 261958
barry.gavillet@durham.gov.uk

**DESCRIPTION OF THE SITE AND PROPOSALS**

The Site

1. The application site relates to a parcel of land measuring 0.5 hectares located on Renny’s Lane at the western edge of the Dragonville Industrial Estate in Gilesgate. The site lies approximately 1.5km to the east of Durham City Centre. The site has an industrial use with a large concrete forecourt surrounded on the northern and eastern boundaries by low rise industrial units. The site has been vacant for a number of years now. The application site also includes a terrace of five residential properties, three of which are vacant following substantial fire damage a number of years ago.

2. The site is bounded to the south by Renny’s Lane with the Tesco superstore sited beyond. Residential properties are located to the north and the south west corner of the site. St. Hild’s Primary School and the associated playing fields is situated to the west of the site with industrial units to the east.

3. The site is currently designated as employment land under saved policy EMP8 within the City of Durham Local Plan, located on the western edge of the protected employment land of Dragonville Industrial Estate.

The Proposal

4. Planning permission is sought to demolish the existing vacant industrial units and five terraced residential properties located on the south of the site and develop new
student accommodation comprising 350 self-catered bed spaces located within a 4 storey development. 26 car parking spaces will be provided within the development along with hard and soft landscaping. The development proposes to utilise the existing site access arrangements from Renny’s lane.

5. A student management plan has been submitted which explains that the accommodation will be marketed to postgraduate students and fourth year students returning from a placement year. The site will be managed by a professional student management operator which will be registered under the Accreditation Network UK. The scheme has been designed to incorporate a reception desk and administration area and on-site staff will provide a physical presence and point of contact for all students, visitors and the surrounding community.

6. The main accommodation building would be sited along the west boundary of the site with accommodation blocks stretching east into the site sited around parking and amenity areas. A landscaped area is proposed along the north boundary of the site.

7. In terms of the design and appearance of the accommodation blocks themselves, the buildings would be constructed of a mix of rendered walls and glazing panels, with aluminium horizontal strip panels to provide visual breaks in the building.

8. This application is being referred to Committee as it constitutes a major development.

PLANNING HISTORY

9. The site used to form part of the British Telecom depot, however the existing industrial units on the site were granted permission in June 2004. Since the implementation of that permission, a number of minor applications have been granted permission to subdivide and amalgamate these units to meet occupier’s requirements.

PLANNING POLICY

NATIONAL POLICY

10. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.

11. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve ‘core planning principles’

12. The following elements are considered relevant to this proposal;

13. NPPF Part 1 – Building a Strong and Competitive Economy. The Government attaches significant weight on the need to support economic growth through the planning system. Local Planning Authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century.
14. **NPPF Part 4 – Promoting Sustainable Transport.** Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.

15. **NPPF Part 6 – Delivering a Wide Choice of High Quality Homes.** Local Planning Authorities should use evidence bases to ensure that their Local Plan meets the needs for market and affordable housing in the area. Housing applications should be considered in the context of the presumption in favour of sustainable development. A wide choice of homes, widened opportunities for home ownership and the creation of sustainable, inclusive and mixed communities should be delivered. Where there is an identified need for affordable housing, policies should be met for meeting this need unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified and such policies should also be sufficiently flexible to take account of changing market conditions over time.

16. **NPPF Part 7 – Requiring Good Design.** The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.

17. **NPPF Part 8 – Promoting Healthy Communities.** The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible, Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.

18. **NPPF Part 10 – Meeting the Challenge of Climate Change, Flooding and Coastal Change.** Planning plays a key role in helping shape places to secure Local Planning Authorities should adopt proactive strategies to mitigate and adapt to climate change. Local Planning Authorities should have a positive strategy to promote energy from renewable and low carbon sources. Inappropriate development in areas at risk of flooding should be avoided.

19. **NPPF Part 11 – Conserving and Enhancing the Natural Environment.** The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.

20. **NPPF Part 12 – Conserving and Enhancing the Historic Environment.** Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.

*The above represents a summary of the NPPF considered most relevant the full text may be accessed at:*


**LOCAL PLAN POLICY:** (City of Durham Local Plan 2004)
21. **Policy H13 - Residential Areas – Impact upon Character and Amenity** states that planning permission will not be granted for new development or changes of use which have a significant adverse effect on the character or appearance of residential areas, or the amenities of residents within them.

22. **Policy EMP8 - General Industrial Sites** - seeks to promote the overall quality of the Districts General Industrial estates while permitting development falling only within classes B1, B2 and B8 of the Use Classes Order.

23. **Policy H16 - Residential Institutions and Student Halls of Residence** provides for purpose-built accommodation provided that they are well related to local facilities and are not likely to impact adversely on adjacent development or lead to community imbalance.

24. **Policy T1 - Traffic – General** states that the Council will not grant planning permission for development that would generate traffic likely to be detrimental to highway safety and/or have a significant effect on the amenity of occupiers of neighbouring property.

25. **Policy T10 - Parking – General Provision** states that vehicle parking should be limited in amount, so as to promote sustainable transport choices and reduce the land-take of development.

26. **Policy T20 - Cycle Facilities** seeks to encourage appropriately located, secure parking provision for cyclists.

27. **Policy T21 - Safeguarding the Needs of Walkers** states that the Council will seek to safeguard the needs of walkers by ensuring that: existing footpaths and public rights of way are protected; a safe, attractive and convenient footpath network is established throughout the City; that the footpath network takes the most direct route possible between destinations; and the footpath network is appropriately signed. Wherever possible, footpaths should be capable of use by people with disabilities, the elderly and those with young children. Development which directly affects a public right of way will only be considered acceptable if an equivalent alternative route is provided by the developer before work on site commences.

28. **Policies Q1 and Q2 - General Principles Designing for People and Accessibility** states that the layout and design of all new development should take into account the requirements of all users.

29. **Policy R11 - Public Rights of Way** states that public access to the countryside will be encouraged and safeguarded by protecting the existing network of public rights of way and other paths from development which would result in their destruction or diversion unless a suitable alternative is provided and the proposal accords with Policy T21.

30. **Policy Q3 - External Parking Areas** requires all external parking areas to be adequately landscaped, surfaced, demarcated, lit and signed. Large surface car parks should be subdivided into small units. Large exposed areas of surface, street and rooftop parking are not considered appropriate.

31. **Policy Q5 - Landscaping General Provision** sets out that any development which has an impact on the visual amenity of an area will be required to incorporate a high standard of landscaping.

32. **Policy Q8 - Layout and Design – Residential Development** sets out the Council's standards for the layout of new residential development. Amongst other things, new
dwellings must be appropriate in scale, form, density and materials to the character of their surroundings. The impact on the occupants of existing nearby properties should be minimised.

33. **Policy Q15 - Art in Design** states that the Council will encourage the provision of artistic elements in the design and layout of proposed developments. Due regard will be made in determining applications to the contribution they make to the appearance of the proposal and the amenities of the area.

34. **Policy U5 – Pollution Prevention** states that development that may generate pollution will not be permitted where it would have unacceptable impacts upon the local environment, amenity of adjoining land and property or cause a constraint the development of neighbouring land.

35. **Policy U8a - Disposal of Foul and Surface Water** requires developments to provide satisfactory arrangements for disposing foul and surface water discharges. Where satisfactory arrangements are not available, then proposals may be approved subject to the submission of a satisfactory scheme and its implementation before the development is brought into use.

36. **Policy U11 - Development on Contaminated Land** sets out the criteria against which schemes for the redevelopment of sites which are known or suspected to be contaminated. Before development takes place it is important that the nature and extent of contamination should be fully understood.

37. **Policy U13 – Development on Unstable Land** states that development will only be permitted if it is proved that there is no risk to the development or its intended occupiers or users from such instability or that satisfactory remedial measures can be undertaken.

38. **Policy U14 - Energy Conservation – General** states that the energy efficient materials and construction techniques will be encouraged.

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at:


**CONSULTATION AND PUBLICITY RESPONSES**

**Statutory Responses:**

39. **County Highways Authority** has raised no objections to the proposed scheme. Conditions are proposed to ensure the upgrade of a pedestrian link; provision of a Travel Plan Co-ordinator; submission of a final Travel Plan; and improvements to cycle signing facilities.

40. **City of Durham Trust** have objected to the scheme and consider any decision will be premature given the list of 'block halls' being proposed or already in the pipe line.

41. **Durham University** have not raised any objections.

42. **Environment Agency** has raised no objections to the proposed scheme. Advice is offered in terms of contaminated land; foul and surface water drainage.
43. Northumbrian Water no objections subject to a condition requesting details of surface and foul water disposal.

44. Police Architectural Liaison has not raised any concerns. Advice has been offered in relation to access arrangements; boundary treatment; cycle storage; and door and window standards.

**INTERNAL CONSULTEE RESPONSES:**

45. Sustainability has stated that the site is categorised relatively high within the sustainability appraisal process.

46. Environmental Health (Noise) No objections raised. Conditions are recommended to ensure the noise insulation and mitigation measures detailed in the noise report are provided.

47. Environmental Health (Air Quality) has stated that it is not considered the scale of the development will generate a significant increase in traffic that will have an adverse impact in air quality. Conditions are recommended to require the submission of the dust assessment together with dust suppression measures during construction works.

48. Environmental Health (Contaminated Land) has indicated that conditions should be attached to any permission to ensure site investigation works are undertaken prior to development commencing.

49. Environmental Health (Public Protection) has not raised any objections however advice has been offered in terms of fire risk assessment; accommodation space and other standards.

50. Ecologist has raised no objections subject to the mitigation strategy of the ecology statement being adhered too.

51. Design and Conservation provides support for this scheme as the contemporary approach is in keeping with the form and function and is typical of this genre of building.

52. Landscape has not raised any objections and a full landscaping condition is recommended.

53. Spatial Planning Policy have stated that whilst the proposal is contrary to local plan policies it is considered that this edge of allocation site is relatively small in relation to the whole industrial estate. This along with evidence of an unsuccessful marketing campaign and the history of poor rental returns would suggest that non-employment use is acceptable on this particular site. Redevelopment of this site would provide an opportunity to improve the appearance of the area given the poor condition of the site frontage at present.

54. Licensing Manager has not raised any objections.

55. Employability Team has indicated that this proposal presents an opportunity to explore employment and skills training that will assist the local community by improving job prospects and employability.

**PUBLIC RESPONSES:**
56. One letter of support has been received stating that the proposed development would improve the area and enrich the community.

57. Nine letters of objection have been received with regards to the application. Objections relate to noise and disturbance which would be created as a result of this development, with comments referring to anti-social behaviour, security concerns and littering. Concerns are raised in relation to highway issues, in particular parking problems which would occur if this development is brought forward as well as increasing traffic congestion in the area. One objector also stated that the proposed access was inappropriate. Objections are raised at the scale, design and appearance of the development, and it is considered that the building will be overshadowing resulting in loss of light to adjoining properties. Concerns are raised over drainage arrangements at the site and that the area is subject to flooding and the existing sewage system is already overloaded. Objectors have also indicated that there is no demand for further student accommodation in the area and also that the site is allocated in the Local Plan as an employment site.

58. Belmont Parish Council has commented on the proposed development and has recommended that the application be refused. The Parish Council has stated that the proposed development is unsuitably placed, with too many units for the size of the site and raises serious issues created by an increase in traffic demands, with consequent risk to residents and their families in the area and contrary to policy T1 of the Local Plan.

**APPLICANTS STATEMENT:**

59. The applicant has submitted a Design and Access Statement, Planning Statement and draft management plan all in support of the application. These documents outline the considered need for purpose built student development schemes within Durham and that a market exists within all sectors of the student market including with regards to under graduates, post graduates and foreign students. The development proposal is not considered to be contrary to the provisions of the Development Plan. The scale and design of the building is considered to take account of and cause no detrimental impact upon the local area and the development is likely to act as a regenerating influence. During the course of the application a management plan has been submitted seeking to demonstrate some measures which can be utilised so as to ease concerns over the actions and behaviours of the student occupants which includes the transfer of the site to an experienced and accredited accommodation management company, use of student wardens, security staff and widespread CCTV coverage.

*The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at:*  
HTTP://PUBLICACCESS.DURHAMCITY.GOV.UK/PUBLICACCESS/TDC/DCAPPLICATION/APPLICATION_DETAILVIEW.ASPX?CASENO=MRVRM48BN02000

**PLANNING CONSIDERATIONS AND ASSESSMENT**

60. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of development, impact upon the character, appearance and setting of heritage assets and the character and appearance of the area, impacts on residential amenity, ecology, and highway safety.
The Principle of the Development

61. This application proposes the erection of a purpose built student accommodation development with some shared, communal spaces. The proposal seeks to develop a cleared former industrial site on the edge of an allocated commercial area and opposite Tesco Extra within the neighbourhood of Gilesgate south of Durham centre. The proposal demonstrates an efficient use of land with good access to services and public transport in accordance with the principles of sustainable development in the National Planning Policy Framework.

62. The key issue is that this development for student residential purposes is outside of the scope of the land allocation which designates the site for B1 (Business), B2 (General Industrial) and B8 (Storage and Distribution). The site has been vacant for a significant period of time and during this period the character of surrounding uses has evolved. On two boundaries the site is bordered by dense residential properties and the neighbouring Dragonville Industrial Estate has evolved into many retail bias activities including an opticians. These neighbouring uses do somewhat undermine the ability now for a commercial use to operate given the amenity concerns this would likely raise. Furthermore, it is noted by our Planning Policy team that historically poor rental returns and an unsuccessful marketing of the site are material in considering acceptance of this loss of employment land. It is possible that a B1 use could perhaps be accommodated so close to residential receptors however these uses generate significant trip rates and therefore traffic impact which in this location would be considered undesirable and lead to wider amenity concerns. Therefore on balance with the support of Policy colleagues it is considered acceptable to allow the loss in this location of employment land to a student use of residential character contrary to policy EMP8a of the Local Plan.

63. The Local Plan also has a specific Policy H16, which relates to student halls of residence and forms of residential institutions.

64. Policy H16 states that planning permission will be granted for such developments provided that they are situated within close proximity to services and public transport links, satisfactory standards of amenity and open space are provided for occupiers, that the development does not detract from the character or appearance of the area or from the amenities of residents and finally with regards to student halls that they either accord with the provisions of Policy C3 or that the proposal would not lead to a concentration of students to the detriment of the amenity of existing residents.

65. Policy C3 of the Local Plan relates to development by the University of Durham, the University are not the applicant on this proposal and therefore this policy is not strictly relevant to this particular application. The proposal is not considered contrary to Policy H16 as the site is well located in terms of local services and within easy walking distance of bus routes, local shops and the aforementioned larger retail stores.

66. The NPPF emphasises the need to ensure mixed and inclusive communities mentioned at paragraph 50 and encourages that development establishes a strong sense of place and sustains an appropriate mix of uses as detailed at paragraph 58. The local area does include a mix of uses in the immediate vicinity there lies a range of large scale retail stores as well as some residential properties. The local area can therefore be considered to have a mixed use character which could be expected in such an urban location.
67. Gilesgate is becoming increasingly popular with students likely due to its amenities and good connections with the city centre. Officers do not consider that objection can be raised to the development purely on the grounds of the number of students which would reside in the area as a result of the development, albeit this is a lot less than the city centre. The Local Plan does not prescribe any particular number of students that should live in any one area, ward, parish or electoral division. Officers consider that it must be demonstrated that the development and the concentrations of students would be harmful to the amenity of existing residents and the area therefore undermining the aim of mixed and inclusive communities and providing a level of harm to be considered contrary to Policy H16 (discussed later in the report).

68. Taking all the above matters into account Officers consider this site can come forward in this location and the loss of the employment land is not considered significant given the character of the surrounding area and aforementioned constraints, the site is well placed and sustainably located in an established urban area in accordance with the presumption in favour of sustainable development as outlined in the NPPF.

Impacts upon Residential Amenity

69. A key issue is the suitability of the site for the development having regards to the impacts upon residential amenity, more broadly regarding the potential for disturbance and noise through a concentration of students but also with regards to specific relationships with the closest properties.

70. Policy H16 of the Local Plan states student hall developments that would result in a concentration of students that would adversely detract from the amenities of existing residents will not be considered acceptable development. This is supported by Policy H13 which states that planning permission will not be granted for development that would have an adverse impact upon the character of residential areas or the amenities of residents within them.

71. Paragraph 50 of the NPPF refers to the need to create sustainable, mixed and inclusive communities and paragraph 58 within the design section of the NPPF emphasises the need to create safe and accessible environments where crime and disorder and the fear of crime do not undermine quality of life or community cohesion.

72. The issue of the dense concentration of students and impact this may have on the residential amenity of the surrounding area is a material consideration. Dense residential developments such as this will bring with them increased activity but this is felt to be more in character with the surrounding residential properties than a heavier commercial use, so the issue is what behaviour maybe beyond a typical dense residential scheme. Whilst such behaviour associated with students often gets exaggerated along with the frequency and magnitude it is important for the confidence of all to have a well defined management plan. The management of the site is a point raised within the consultation responses.

73. The applicant as is the case with the two previous schemes has submitted a draft management plan to be delivered by an accredited student management company. The management plan will allow for two way communication between the community and the management company as well as having sanctions in place to control any anti-social behaviour should it arise. This isn’t dissimilar to how larger institutions manage their property and it is considered an effective control measure underpinned with a corresponding tenancy agreement. It is fair to say that a dense residential non-student apartment scheme will raise from time to time some disruptive behaviour
but without the control of a strong management structure relying purely on other legislation. By its very nature all existing controls will exist but in the first instance the management plan and company will be the first recourse and as such this is considered an effective method of controlling such behaviour should it occur, aided by two way communication with community representatives. Provision is also made within the development for on-site management and student wardens to directly control and monitor behaviour.

74. In terms of inter-relationships with surrounding development these all meet the requirements of the local plan in terms of facing distances and a condition is imposed to control light spill from the larger storeys in the interests of the wider amenity.

75. Although there are certainly not extensive areas of outdoor amenity space proposed within the site there are clearly defined and dedicated landscape courtyards/garden which would provide outdoor areas for students to meet. In terms of the impacts of such communal areas and also the concerns over the site becoming a social hub and residential amenity, officers consider that there is a balance to be struck between providing adequate space so that the occupiers would have ample space needed to meet and relax but not having too much communal space so as to likely increase potential for noise and disturbance. To the rear of the development is a purposefully designed garden space primarily for relaxing and study with a landscaped boundary with the residential property to the rear mitigating the amenity impact. To the front there is proposed a bar/communal area which does have an outside terrace surrounded by a high wall. Conditions are imposed on the use of this area as well as controlling the noise break-out and it is not considered given the frontage faces a large retail store car-park and to the side the rear of commercial uses that any adverse impact to amenity will occur.

76. Environmental Health have provided some comments with regards to the application and in relation to the concerns raised with regards to noise and air quality. They have not raised any concerns regarding air quality. In terms of noise the applicant’s assessment has raised concerns over the controlling of ventilation noise, it is considered given the wider noise impact of the bar to require details to be submitted by condition to control noise.

77. The Police Architectural Liaison Officer has not raised any concerns subject to conditions regarding the path which runs down the West side of the development to open this up and make more useable and inviting through adequate lighting.

78. Policy Q8 considers that in order to provide adequate levels of amenity a 13 metre separation distance between main habitable room windows and a blank two storey gable should be provided and 6m to a single storey gable. In order to maintain privacy 21m should remain between main windows. To the rear there is 20m to Shepherd’s Court between facing windows and whilst 1m below the 21m specified this is not considered material in so far as a quantifiable adverse impact could result that would warrant refusal given the only slight difference under policy. There is one pinch point with Shepherd’s court which is the north east gable at 12m, it is however considered as this is also one metre less than the ideal for a two storey blank gable albeit no requirement exists over this that no objection can be raised on amenity grounds as this would not be an uncommon relationship within a dense urban area.

79. Internally the facing distances between the residential blocks is less than 21m at around 13m between them. However, this is not uncommon on student schemes and similar to the scheme recently approved in Ainsley Street. To put this in context many of the residential terrace streets in central Durham have facing distances comparable. Given that the development is self contained and targeted at specific
users it is not considered that the internal facing distances will result in harm to the amenity of occupants as other similar examples do exist across the city and importantly the external relationships are considered acceptable.

80. In conclusion the development is considered acceptable subject to the aforementioned conditions and accords with policies H16 and H13 of the Local Plan as well as not being in conflict with the aims of policy Q8 to safeguard the amenity of existing and proposed occupiers.

Visual Amenity

81. The scheme is contemporary in nature and over four storeys providing 350 beds divided between studios and flats. The main block comes along the southern frontage in the place of the dilapidated properties of Ernest Place down the West side alongside the existing pedestrian walkway. In the central area and over to the East of this main building are three accommodation blocks one behind the other going north interspersed with landscaped courtyards for parking.

82. The overall design is made up of brick, rain screen cladding and glazing combined to add interest to the elevations and a sense of rhythm. Given the surrounding area there are little design indicators to go down a specific route in terms of appearance and it is considered that this fresh contemporary design will generally enhance the character of the area according with policy Q8 of the Local Plan. The most prominent elevation that of the southern boundary and eastern corner have been subject to a series of amendments to enhance the architectural quality and introduce somewhat of a more statement building to further lift the area. This has involved some deconstructive works to the front elevation and changes in depth as well as further emphasising of the entrance. These changes are all supported by the Council’s design officer who fully supports the design of the scheme.

83. The landscaping to the rear and courtyard are to be controlled by condition to provide attractive courtyard spaces and quiet study areas as well as bolstering the privacy to surrounding occupiers. The path which runs down the western edge of the site is an important pedestrian arterial route connecting Sunderland Road and the larger retail area. Officers have observed how well used this path is but it is not specifically inviting given its dark and shaded nature. This scheme will open the path up and enhance the lighting and with the some low level landscaping mean that the path will become safer and more inviting to users especially during shorter daylight hours.

84. Overall no objection is raised to the design or appearance of the development and in accordance with Policy Q8 and Part 7 of the NPPF will make a positive contribution to the area.

Highways Issues

85. Many of the concerns from local residents revolve around highway and traffic impacts, many people thinking the bollards would be removed that control through traffic along Renny’s Lane. This is not the case the bollards will remain and no through traffic will be able to pass the site as is the case presently. As is typical of many other student schemes they have low levels of car ownership typically around 12-15% which is much less than a comparable non-student residential scheme. However, accepting of up to 15% there will need to be provision of some parking on site, the applicant is providing 26 spaces with the remainder 16 to 26 can be safely accommodated on the surrounding highway, bearing in mind Renny’s Lane does
terminate just beyond the site. However, this is a worse case scenario as it is widely established that in sustainable locations a number of travel interventions can have significant impact on car ownership. The applicant has presented a robust suite of interventions and to appoint a travel plan co-coordinator with a significant emphasis on cycling and enhanced signposting the national cycle network. The public transport links within the vicinity are well established and the applicant as part of their tenancy agreement will be controlling car ownership so with all these initiatives and resources the Highway Authority are supportive of the development coming forward.

86. Therefore the development is considered to accord with Policy Q1, Q2, T1, T10 and T21 of the Local Plan seeking to ensure that all development is acceptable in terms of highway safety and limiting parking provision in development to promote sustainable transport choices and reduce the land take of development. Part 4 of the NPPF also supports the application seeking to promote sustainable transport choices.

Ecology

87. The submitted ecology report has been considered by the Council’s ecologists and no concerns are raised or species found that would warrant further consideration or application of the protected species derogation tests. The ecologist’s do suggest a condition to retain trees and take account of bird nesting as well as a bat method statement for the demolition of Ernest Place. In terms of habitat enhancement it is proposed to incorporate bat bricks or similar into the new build all of which is outlined in section F of the ecologists report and conditioned to be in accordance with this section.

Section 106

88. In accordance with policy BE2 of the Local Plan a requirement is made for public art at 1% of build cost. The recommendation is made subject to a Section 106 agreement for £130,000 for public art and community uses. The applicant has been engaging with the Council to provide a targeted recruitment programme which will place a number of local apprentices during the construction phase of the development. The exact details of this scheme will be agreed with the Councils Employability Officers.

Other Issues

89. Northumbrian water have not raised any issues in terms of surface water, flooding or foul disposal stating that the existing network does have capacity to serve this scheme. The applicant will also need to seek their approval to divert a main sewer. They have requested a condition requiring details to be submitted for a surface water and foul disposal scheme as is common practice.

CONCLUSION

90. In conclusion the principle of development of this site is considered acceptable as it brings forward a longstanding blighted site, removes the properties of Ernest Place which make no positive contribution to the area and replaces with a contemporary design which will make a positive contribution.

91. The loss of employment land and conflict with Policy EMP8a and the emerging County Durham Plan is balanced against the changed nature of the surrounding uses and constraints of amenity and traffic which lend the site to this use. Given the protracted period of time the site has been vacant and the availability of surrounding
commercial land in the policy area it is considered this development can be supported.

92. The amenity of existing occupiers will be preserved and the enhancement given to the public realm namely the path along the western boundary, with controls in place for landscaping, lighting, noise and operation by an accredited management company it is not considered any adverse impacts will result to warrant refusal on residential amenity grounds.

**RECOMMENDATION**

That the application be **APPROVED** subject to the following conditions and subject to the signing of a Section 106 agreement to secure £130,000 for public art/community use provisions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

   **Reason:** Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be carried out in strict accordance with the following approved plans.

   Plan ref: 12009_001
   Plan ref: 12009_002
   Plan ref: 12009_005
   Plan ref: 12009_009B
   Plan ref: 12009_015A
   Plan ref: 12009_020
   Plan ref: 12009_022A
   Plan ref: 12009_VS010B
   Plan ref: 1498-3-1B 111113
   Plan ref: 0001B

   **Reason:** To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies EMP8, H13, H16, T1, T10, T20, T21, R11, Q1, Q2, Q3, Q5, Q8, Q15, U5, U8A, U11, U13 and U14 of the City of Durham Local Plan 2004.

3. Notwithstanding any details of materials submitted with the application no development shall commence until details of the external walling, roofing materials, hardsurfacing and coloured glazing panels have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be constructed in accordance with the approved details.

   **Reason:** In the interests of the appearance of the area and to comply with Policies H13 and H16 of the City of Durham Local Plan 2004.

4. The hereby approved development shall be carried out in accordance with a scheme of landscaping to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any development on site. The scheme may provide for the planting of trees and / or shrubs (including species, sizes, numbers and densities), works to existing trees within the site, provision hardstandings, fences
or walls, the movement of earth, the formation of banks or slopes, the seeding of land with grass, or other works for improving the appearance of the development. The works agreed to shall be carried out within the first planting season following completion of development of the site and shall thereafter be maintained for a period of 5 yrs following planting. Any trees or plants which die, fail to flourish or are removed within a period of 5 years from the substantial completion of the development shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of the appearance of the area and to comply with Policies H16 and H13 of the City of Durham Local Plan 2004.

5. Prior to the commencement of the development precise details of all means of enclosures, bin stores and cycle stores shall be submitted to and approved in writing by the Local Planning Authority. The enclosures and stores shall thereafter be constructed in accordance with the approved details prior to the occupation of the development.

Reason: In the interests of the appearance of the area and to comply with Policies H13 and H16 of the City of Durham Local Plan 2004

6. Notwithstanding any details submitted with the application no development shall commence until a detail dust assessment scheme including dust suppression measures have been submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the agreed details.

Reason: In the interests of the residential amenity of the surrounding area in accordance with Policy Q8, H13 and H16 of the City of Durham Local Plan 2004.

7. No development hereby approved shall take place unless in accordance with the mitigation and recommendations within the protected species report, Extended Phase One Survey by E3 Ecology Ltd, dated July 2013.

Reason: In the interests of conserving and preserving the natural environment in accordance with Part 11 of the NPPF.

8. Notwithstanding the information submitted with the application no development hereby approved shall commence until a scheme detailing noise insulation and mitigation measures have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details.

Reason: In the interests of residential amenity and to comply with policies Q8, H13 and H16 of the City of Durham Local Plan 2004.

9. Notwithstanding the information submitted with the application no development shall commence until details of the means of disposal of foul and surface waters from the development have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details.

Reason: In the interests of adequate drainage having regards to Policy U8A of the City of Durham Local Plan 2004.
10. No development approved by this permission shall be commenced until:

a) the application site has been subjected to a detailed site investigation report for the investigation and recording of contamination and has been submitted to and approved by the LPA;
b) should contamination be found, detailed proposals for the removal, containment or otherwise rendering harmless such contamination (the ‘contamination proposals’) have been submitted to and approved by the LPA;
c) for each part of the development, contamination proposals relevant to that part (or any part that would be affected by the development) shall be carried out either before or during such development;
d) if during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the contamination proposals then revised contamination proposals shall be submitted to the LPA; and
e) if during development work, site contaminants are found in areas previously expected to be clean, then their remediation shall be carried out in line with the agreed contamination proposals.

Reason: To remove the potential harm of contamination in accordance with Policy U11 of the City of Durham Local Plan 2004.

11. Prior to the occupation of the building, a Travel Plan Co-ordinator shall be appointed and contact details for this person shall be submitted to and approved in writing by the local planning authority.

Reason: In the interests of highway safety and to comply with policy T1 and T10 of the City of Durham Local Plan 2004.

12. Within 6 months of occupation of the building, a final Travel Plan, conforming to and reflecting the ethos of The National Specification for Workplace Travel Plans PAS 500:2008, shall be submitted to and approved in writing by the local planning authority.

Reason: In the interests of highway safety and to comply with policy T1 and T10 of the City of Durham Local Plan 2004.

13. No development shall commence until a scheme showing improvements to the pedestrian link between Sunderland Road and Renny’s Lane and improvements to cycle signing facilities have been submitted to and approved in writing by the local planning authority. The development shall thereafter be constructed in accordance with the approved details.

Reason: In the interests of highway safety and to comply with policy T1 and T21 of the City of Durham Local Plan 2004.

14. Prior to the commencement of development a scheme to minimise energy consumption shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall consist of energy from renewable or low carbon sources provided on-site, to a minimum level of at least 10% of the total energy demand from the development, or an equivalent scheme that minimises carbon emissions to an equal level through energy efficient measures. Thereafter the development shall be carried out in complete accordance with the approved scheme prior to the first occupation and retained so in perpetuity.
Reason: In the interests of sustainable construction and energy generation in accordance with the aims of the NPPF.

15. No development works (including demolition) shall be undertaken outside the hours of 7.30am and 7.30 pm Monday to Friday and 8am to 1pm on a Saturday with no works to take place on a Sunday or Bank Holiday.

Reason: In the interests of residential amenity having regards to Policies H13 and H16 of the City of Durham Local Plan 2004.

16. Notwithstanding the details submitted within the application no development shall commence until a detailed strategy of precise management methods, approaches and techniques for the operation of the site has been submitted to and agreed in writing by the Local Planning Authority. The strategy may include measures of CCTV coverage, 24 hour security or warden presence, student warden schemes or other management operations. Thereafter the development shall be implemented in accordance with the agreed details, with adherence to the agreed management scheme in perpetuity.

Reason: In the interests of reducing the potential for harm to residential amenity, anti-social behaviour or the fear of such behaviour within the community having regards Policies H16 and H13 of the City of Durham Local Plan 2004 and Part 7 of the National Planning Policy Framework.

17. Notwithstanding the details submitted a scheme for the external lighting and control of external light spill from the development shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development (such a scheme shall include height, type, position, angle and intensity of illumination of all external lighting including during construction and light spill from glazing to the surrounding area outside the application site). Thereafter the development shall be implemented in accordance with the agreed scheme.

Reason: In the interest of residential amenity, having regard to Policies H13 and H16 of the City of Durham Local Plan 2004.

**STATEMENT OF POSTIVE/PROACTIVE WORKING**

The Local Planning Authority has worked with the applicant in a positive and proactive manner to deliver the development. In particular, amendments to the design, materials and massing were sought in an attempt to improve the visual appearance of the development.

**BACKGROUND PAPERS**

Submitted Application Forms, Plans and supporting documentation
City of Durham Local Plan 2004
County Durham Plan (Preferred Options)
National Planning Policy Framework
Internal consultee responses
Public responses
External consultee responses
Planning Circular 11/95
Planning Services

Demolition of light industrial unit and 5no. dwellings and erection of 350 bed student accommodation scheme

Date 3rd December 2013
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APPLICATION DETAILS

APPLICATION NO: CMA/6/64

Construction of new equestrian centre including indoor arenas, outdoor arenas, viewing platform, car parks, horsebox park, stables, implement store, erection of vehicle workshop. Change of use from agricultural holding to sporting use.

NAME OF APPLICANT: Mr and Mrs L Elliot

ADDRESS: Hilton Moor Farm, Evenwood Gate, Bishop Auckland, County Durham. DL14 9NS

ELECTORAL DIVISION: Barnard Castle East

CASE OFFICER: Ann Rawlinson, Senior Planning Officer

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site lies approximately 1km to the south of the village of Evenwood Gate, approximately 500m to the north of the village of Hilton, and approximately 1km to the east of the village of Wakerfield. The site is located on the western side of Hilton Moor Lane and set within open countryside. The site consists of a 60 hectare (150 acre) arable farm comprising farmhouse, stables, paddocks, outdoor riding arena (for the applicants own personal use) and stone outbuildings. In addition the applicant also operates an Earthworks, Groundworks and Agricultural Contracting business from the site. There are also a number of green porter cabin buildings sited to north and east of the site used as offices and for storage purposes, as well as a private bmx track to the northern boundary.

2. The site is accessed from the west off Hilton Moor Lane, adjacent the existing farm group. It is also accessed from an internal farm road to the south of the site extending from the main C30 road to the south west, up to Hilton Moor Lane. The C30 leads eastwards from the main A688 between Staindrop and West Auckland.

3. There is an existing public right of way (Footpath No. 13, Hilton) running east to west, off Hilton Moor Lane to the north of the existing farm buildings and a number of existing ponds within the fields. The site is largely surrounded by trees, mature native hedging and post and rail agricultural style fencing.

4. The site is within an Area of High Landscape Value and the nearby villages of Hilton and Wackerfield are designated as conservation areas. There are a number of listed buildings and other non-designated heritage assets within the wider landscape.
Planning permission is sought for an Olympic sized equestrian centre which the applicant advises would have the potential to be used as a training centre for the 2016 Olympics. The proposed equestrian centre would provide a wide range of equestrian related events ranging from one day to week long events, as well as a limited amount of equestrian and farm related corporate events. The proposal includes the following aspects:

- One main indoor arena and adjoining indoor warm up area including seating for approximately 900 spectators, holding bays, restaurant, café, bar, shop, toilets, changing rooms, offices/administration and associated facilities;
- Stables for 18 horses, horse walker (exerciser), vet and sick rooms and additional indoor arena for teaching/educational provision;
- Retention of existing outdoor arena;
- Four new outdoor arenas with spectator seating to one arena;
- Viewing tower for judge;
- Car park and horsebox parking;
- Cycle and motorcycle parking,
- Farm store to include vehicle workshop and implement store, and
- 3 new ponds and significant tree and hedge planting.

The proposed main indoor arena would be located to the centre of the site, to the south east of the existing farm buildings. It would be approximately 14m in height and comprise basement, ground floor and mezzanine first floor with a mono-pitched roof. It would be approximately 90m in length and 50m in width. Attached to its western side would be a warm up area (80m by 40m). It would have an agricultural appearance with its lower walls in stone and render and upper walls and roof in a dark olive green cladding. The other proposed buildings would be constructed with the same materials.

The outdoor arenas would incorporate a sand type surface material and be surrounded by simple timber fencing. These would be sited directly to the south of the indoor arena. The largest arena to the western side of the site would be 50m in width by 100m in length. Seating would extend for 5 rows up to 3.4m in height to its western side. The further three outdoor arenas proposed to the eastern side of this would be 80m in width and 40m in length. A judges viewing tower would be 8.5m in height and 5.6m by 5.6m in size and sited directly to the south of the indoor arena to overlook the outdoor arenas.

The farm store (incorporating implement store and vehicle workshop) would be 10.6m in height, 66m in width and 48m in length. This would be located to the north of the farmhouse. The use of the building would be for the farm and equestrian centre as well as the applicant’s contracting business.

The proposed indoor teaching arena and stables building would be used as a business to school horses and train riders. This would be 10m in height, 70m in width and 40m in length. The educational provision would incorporate the retention of the existing outdoor arena and be sited to the west of the existing farm buildings.

It is proposed that access to the equestrian centre would be solely from the C30. The existing site access in this location would be improved to ensure that it is suitable for use by horseboxes. 40 car parking spaces would be provided in a car park close to the eastern side of the proposed indoor arena. Further car parking (174 spaces), horsebox van (400 spaces) and car and horse box parking (80 spaces) would be provided to the southern side of the site.
11. The proposals would replace the need for the existing stables, porter cabins and bmx track currently on site and construction of the scheme would incorporate the removal of these elements.

12. The applicant advises that there would be the opportunity for 63 employment opportunities comprising 6 full time managerial positions, 26 full time positions, 21 part time positions and 10 apprentices.

13. The application is reported to the County Planning Committee as it represents a large scale major development being in excess of 10,000m² new floorspace.

**PLANNING HISTORY**

14. In March 2003 planning permission was granted for a change of use of land for the operation of a plant hire business. More recently in May 2008 planning permission was granted in May 2008 for the change of use of land from agricultural and waste recovery/plant hire to equestrian use, development of equestrian facilities, including indoor and outdoor arenas, stables and walker. Conversion of farm outbuildings to associated holiday accommodation (13 units). Erection of farm machinery store and implement/feed store. Floodlighting to proposed outdoor arena. Retention of existing arena. Domestic extension and improvements to existing farmhouse.

15. An application of the same description was approved in November 2008. This increased the size of the indoor arena. An application to extend the time for implementation of this planning permission was refused in February 2012 due to the red line boundary of the 2008 permission extending through the site rather than around it.

16. A planning application is currently being considered by the Council’s South West Area Planning Team for the retention of the bmx track, temporary cabins and stables on the site for a temporary period.

**PLANNING POLICY**

**NATIONAL POLICY**

17. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve ‘core planning principles’. The following elements of the NPPF are considered relevant to this proposal

18. *NPPF Part 1 – Building a Strong, Competitive Economy.* The Government is committed to securing economic growth in order to create jobs and prosperity and to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an
impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system. Decisions should support existing business sectors, taking account of whether they are expanding or contracting.

19. **NPPF Part 4 – Promoting Sustainable Transport.** States that the transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. It is recognised that different policies and measures will be required in different communities and opportunities to maximize sustainable transport solutions which will vary from urban to rural areas. Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion.

20. **NPPF Part 3 – Supporting a Prosperous Rural Economy.** States that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, plans should: support the sustainable growth and expansion of all types of business and enterprise in rural areas, promote the development and diversification of agricultural and other land-based rural businesses; support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres.

21. **NPPF Part 7 – Requiring Good Design.** The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning. Planning policies and decisions must aim to ensure developments; function well and add to the overall quality of an area over the lifetime of the development, establish a strong sense of place, create and sustain an appropriate mix of uses, respond to local character and history, create safe and accessible environments and be visually attractive.

22. **NPPF Part 8 – Promoting Healthy Communities.** Recognises the part the planning system can play in facilitating social interaction and creating healthy and inclusive communities. Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities.

23. **NPPF Part 10 - Meeting the Challenge of Climate Change, Flooding and Coastal Change.** Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy.

24. **NPPF Part 11 – Conserving and Enhancing the Natural Environment.** The planning system should contribute to, and enhance the natural environment by; protecting and enhancing valued landscapes, recognizing the benefits of ecosystem services, minimising impacts on biodiversity and providing net gains in biodiversity where possible, preventing new and existing development being put at risk from unacceptable levels of soil, air, water or noise pollution or land instability, and remediating contaminated and unstable land.

25. **NPPF Part 12 – Conserving and Enhancing the Historic Environment.** In determining applications LPAs should take account of; the desirability of sustaining and enhancing the significance of the heritage asset, the positive contribution
conservation of heritage assets can make to sustainable communities and economic viability, and the desirability of new development making a positive contribution to local character.

26. In accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policy will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. The relevance of this issue is discussed, where appropriate, in the assessment section of the report below.


LOCAL PLAN POLICY:

Teesdale Local Plan (adopted 2002) (TLP)

27. Policy GD1 – General Development Criteria – Permits development that, amongst other things, is in keeping with the character and appearance of the area, and would not unreasonably harm the rural landscape of the area.

28. Policy ENV1 – Protection of The Countryside – Allows (inter alia) development in the countryside for the purposes of an existing countryside use provided that it does not unreasonably harm the landscape and wildlife resources of the area.

29. Policy ENV3 – Development Within or Adjacent to an Area of High Landscape Value – Allows development only where it does not detract from such an area’s special character and pays special attention to the landscape qualities of the area.

30. Policy ENV8 – Safeguarding Plant and Animal Species Protected by Law – Does not permit development which would harm any animal or plant species afforded special protection by law.

31. Policy ENV10 – Development Affecting Trees or Hedgerows – Permits development where it avoids unreasonable harm to or loss of trees and hedgerows.

32. Policy ENV14 – Protection of Water Quality – Development will not be permitted which would unacceptably prejudice the quality of surface or ground water.

33. Policy ENV15 – Development Affecting Flood Risk – Development which may be at an unacceptable risk of flooding or may increase the risk of flooding elsewhere will not be permitted.

34. BENV3 – Development Adversely Affecting the Character of a Listed Building – Development adversely affecting the character of a listed building will not be permitted.

35. BENV4 – Development within and/ or adjoining Conservation Areas – Development within and/ or adjoining Conservation Areas will be permitted provided that it meets certain criteria.

36. Policy TR7 – Outdoor Recreational Developments – Outdoor recreation proposals will be permitted provided that the best agricultural land is protected, new buildings are sited, designed and landscaped to complement the surroundings, there is no undue disturbance to occupiers of nearby properties or other countryside users and the road network in capable of accommodating the development
37. **Policy TR10 – Development affecting Public Rights of Way** – Precludes development that would directly affect a public right of way unless an acceptable and equivalent route is provided.

38. **Policy T2 – Traffic Management and Parking** – Car Parking will be limited to that which is necessary to ensure safe and efficient operation of the site.

**RELEVANT EMERGING POLICY:**

The County Durham Plan

39. The Pre-Submission Draft Local Plan was approved for consultation by Cabinet on 18 September 2013. This publication stage document represents a relatively advanced stage of Plan production, reflecting the Council’s position, and only fine tuning is expected following the consultation of between October and December 2013 prior to submission to the Secretary of State for examination. The application site is identified as white land within the County Durham Local Plan.


**CONSULTATION AND PUBLICITY RESPONSES**

**STATUTORY RESPONSES:**

40. **Highway Authority** – Confirms that the submitted Transport Statement (TS) gives a representative summary of the proposals. Officers consider that Hilton Moor Lane to the east of the site is a narrow rural lane unsuitable for additional vehicular traffic associated with the proposed development. Therefore in line with the proposal within the submitted TS it is considered that access for equestrian events should be solely from the C30 access and all other boundary gates locked shut for the duration of events. This requirement, and the proposed improvement to the C30 junction to be undertaken before the buildings and car park are brought into use, should be controlled by conditions.

41. **Northumbrian Water** – Advise that having assessed the proposed development Northumbrian Water have no comments to make.

42. **Coal Authority** – The application site falls within the defined development high risk area which means there are coal mining features and hazards which need to be considered. The submitted coal mining risk assessment correctly identifies that the site has been subject to coal mining at shallow depth which poses a potential risk to the proposed development. The Coal Authority concurs that intrusive site investigation works, including gas monitoring should be undertaken prior to development in order to establish the exact situation regarding ground conditions and enable appropriate remedial works to be undertaken prior to the commencement of development. Subject to these works being imposed as a condition the Coal Authority has no objection to the proposed development.

43. **Natural England** – Advises that the proposal is unlikely to affect any statutorily protected sites or landscapes. The proposal is likely to affect Great Crested Newts (GCN) through damage or destruction of a breeding site or resting place. Natural England advise that they are satisfied that the proposed mitigation in accordance
with GCN guidelines and should maintain the population. A condition to secure mitigation and monitoring should be attached to any planning permission. Natural England advises that the GCN is a European Protected Species and a licence is required to undertake any works that involve certain activities. Advice is also provided regarding assessment of local wildlife sites and potential for providing biodiversity and landscape enhancements.

44. Environment Agency – Advises that after receiving additional information and having discussions with the applicant it does not object to the development subject to a condition being attached to any planning permission requiring agreement of a foul drainage scheme.

INTERNAL CONSULTEE RESPONSES:

45. Pollution Control – Advises that they have significant concerns regarding the potential for the development to cause a statutory nuisance, as defined by the Environmental Protection Act 1990, to neighbouring properties and residents of Hilton. Therefore officers object to the proposed development. However, if planning permission is granted a noise impact assessment should be undertaken and its recommendations included as planning conditions. Particular concern is raised by officers regarding extent of operating times, use of a PA system, operation of equestrian events, use of the development for events other than equestrian and traffic.

46. Landscape – Concern was initially raised regarding the impact of the proposed new building on the root protection areas of the ash trees. It was suggested that the building be moved south slightly away from the trees which are of the highest quality so they could be retained.

47. No objection is raised by officers from a landscape or visual amenity perspective subject to the buildings, including the roofs being finished in dark grey and or dark green in colour and the addition of landscaping to the north of the main arena. Officers consider that the site is generally well screened from surrounding roads by the gentle undulations of the local topography and by mature hedgerows and thus the landscape and visual impact would not be significant.

48. Subsequently advise that the amended site layout plan shows the additional tree belt in the correct location to the north of the indoor arena and are of appropriate species. Officers advise that specification can be dealt with via planning condition.

49. Design and Historic Environment Team – Advise that the revised heritage statement adequately demonstrates that designated and non-designated heritage assets have been fully considered following consultation with the County Durham Historic Environment Record. Officers consider that the distance of the proposals, the topography and current landscaping all serve to minimise the impact on the surrounding assets. However, it is considered that the situation could be further mitigated by additional tree planting and the careful control of materials and colour finishes. Subject to these being conditioned officers consider that the proposals are acceptable in relation to the impact on heritage assets.

50. Ecology – Advise that they are satisfied with the results of the Extended Phase 1 Report. It is noted that a good sized meta-population of Great Crested Newts have been identified within ponds on the site. Originally officers recommended that further habitat linkages and ponds should be incorporated into the site design to ensure that the population is not put at risk. Officers also sought clarity regarding the protection of GCN from disturbance during construction works, introduction of plant species, grazing of animals and post development monitoring.
51. Subsequently on viewing the amended Great crested newt survey report and amended site plan, the Ecology officers are pleased that larger areas of habitat for compensation have been included. Therefore it is advised that there are no objections to the proposed development subject to the mitigation detailed in the report being implemented.

52. **Archaeology** – Officers confirm that the site has been historically opencasted. It is therefore advised that there would not be any need to carry out archaeological evaluation works.

53. **Access and Rights of Way** – Advise that there is a registered right of way through the site (Footpath No. 13 Hilton). There are no objections to the proposals however, the safety of the public should be ensured at all times and also farm equipment should not block the footpath.

54. **Drainage Team** – Officers advise that they welcome the use of a storage pond for the surface water. The development would be classified as Greenfield Development therefore the proposed surface water from the site should be limited to greenfield runoff rates. Officers advise that a condition should be placed on any approval requiring full drainage details including calculations and storm checks to 1in30 and 1in100 year frequencies to be agreed with the LPA.

55. **Sustainability Team** – Officers do not object to the proposed development. They do advise though that the location of the proposed development is rural and away from the services and facilities of a main town, however officers accept that the development would support the rural economy and may not be suitable for a more urban setting. It is advised that the applicant should explore how sustainability could be embedded in the buildings. This could be through the inclusion of local sustainable materials, through the provision of low energy lighting and heating sources and renewable energy provision.

56. **Employability Team** – Advise that there is an opportunity to explore employment and skills training that would assist the local community by improving job prospects and employability. It is noted that targeted employment and skills can include a number of areas. The Council has an aspirational target of 10% of any labour requirement to be offered as new employment opportunities or training during construction phase and end use phase. Officers would welcome the opportunity to agree targeted skills and opportunities through a planning obligation to maximise the social and economic value added during the lifetime of the scheme.

**PUBLIC RESPONSES:**

57. The application was advertised within the press and letters were sent to neighbouring residents and properties and site notices were placed in the locality.

58. Five letters of representation (one being an objection) have been received. The main concerns and comments received from local residents are summarised as follows:
   - Road safety concerns and suitability of the local road network (being rural lanes) to accommodate the vehicle movements associated with the proposal as well as the type of vehicles.
   - That access to the development should be onto the main road and other existing accesses should be locked and secured to ensure that traffic avoids Hilton Moor Lane.
• The facility should only be for equestrian events and operating hours should be limited.
• Negative impact on the quality of lives of people living close by and users of the countryside as a result of noise that would be generated from the development.
• Light pollution from floodlights giving the countryside an urban appearance.
• Landscaping proposals refer to tree planting to the south and west but not the east. View that screening is very important.
• There is no need for further equestrian facilities.
• The development may not be a success and the site could be developed for an alternative use such as housing.

• Hours of use should be strictly adhered to.

59. British Horse Society – Advises that it does not wish to make any comments or objections.

60. Open Spaces Society – Advise that it has no objections.

61. Ramblers (Barnard Castle Group) – Advise that it has no objections.

APPLICANTS STATEMENT:

62. The Elliott family have an extreme love of horses and take part in Equestrian Events throughout the country. They have to travel many miles to a large equestrian centre and they identified a need for a modern equestrian centre in the North East of England and have produced letters of support from equestrian organisations. This planning application provides such a facility in County Durham and will bring much needed employment into this area for the construction work and the ongoing running of the facility.

63. The site has a few challenges including great crested newts and detailed surveys have been undertaken by specialists and solutions proposed to deal with the issues. The design team has listened to concerns expressed by local residents, statutory bodies and the planning officers and altered the scheme to deal with the issues raised including relocating the observation tower, reducing the 3 farm buildings into 1 compact building, providing additional ponds, trees and landscaping around the site and reducing the opening hours to finish by 9.00pm. We believe this application has been well designed and the fine detail agreed that will enable a first class equestrian centre to be built on this site and we hope the planning committee can approve this planning application.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at http://82.113.161.89/WAM/showCaseFile.do?action=show&appType=planning&appNumber=cma/6/64

PLANNING CONSIDERATIONS AND ASSESSMENT

64. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues relate to the principle of development, landscape and visual impact, residential impact, highway safety access and traffic generation, nature conservation, drainage and other matters.
65. Planning permission has previously been granted for a very similar, albeit smaller equestrian centre development at the application site in both 2007 and 2008. It is understood that this was not implemented due to the economic downturn and a lack of funding for the project, although earthworks were undertaken in the location of the previously approved arena, to the north of the site. It is has since been discovered that the approved application red line site boundary extended through the northern part of the application site rather than extending round it. Thus an application early in 2012 to extend the time period that the permission could be implemented could not be determined.

66. It is considered that the proposed equestrian centre and agricultural building are appropriate countryside uses. Outdoor recreation proposals are supported in principle by Policies ENV1 and TR7 of the TLP. The applicant contends that there is a need for a large high quality equestrian centre in the north east of England, the closest being near Glasgow and Grantham. Supporting information justifying the need for the proposed development in this location, and its scale and extent has been submitted with the application. This includes supporting statements and letters from a number of equestrian based organisations (including Yorkshire Sport Horse, The Side Saddle Association and The National Pony Society). The letters highlight the need for and requirements of a high quality indoor all weather facility of this size in the north east to cater for such events as polo, carriage driving, jumping, showing, dressage, teaching and schooling. It is noted that the nearest competition centre is in Beverley, East Yorkshire.

67. It is considered that subject to the proposals meeting a range of other planning criteria, in principle the proposed development is broadly in line with the aims of Policies ENV1 and TR7 of the TLP. It is considered that the proposal fully aligns with Part 3 of the NPPF which supports the sustainable growth of all types of business and enterprise in rural areas and promotes the development and diversification of agricultural and other land-based rural businesses. The NPPF also supports sustainable rural leisure developments that benefit businesses in rural areas, communities and visitors, so long as they respect the character of the countryside. This requirement will be assessed below. In principle through, as set out within Part 1 of the NPPF, the planning system should be doing everything it can to support economic growth and job creation.

Landscape and Visual Impact

68. In respect of the potential visual and landscape impact of the proposed development, it is acknowledged that the application is for a substantial development incorporating several large buildings situated within an area of high landscape value within the open countryside. Notwithstanding this, the site is generally well screened from surrounding roads by the gentle undulations of the local topography and by mature hedgerows. It is noted that the site is not within a designated area as defined in the NPPF i.e. a national park or AONB which have the highest landscape protection.

69. The applicant sought advice from the Landscape Team regarding the most appropriate location on the site to place the indoor arena, hence its proposed siting within a dipped part of the field. It is proposed to improve the existing hedging around the wider farm site (there are several gaps in the hedges) and plant trees to the northern boundary of the site. Hedging would be provided to the edge of the proposed development and around the car parking area. This proposed structural landscaping is in accordance with Policy GD1 of the TLP and can specific detailed requirements can be secured via planning condition.
70. The built development largely comprises three large buildings. The most conspicuous part of the development would be the indoor arena which rises to approximately 14m above ground level. The zones of theoretical visibility show that the indoor arena building would not have any less impact even if it was reduced by 4m in height. Landscape officers advised that additional landscaping to the north of the indoor arena would help break up the view of the building and that it is also considered important that the building, including the roof, is finished in dark grey and or dark green in colour. The buildings would have an agricultural appearance with lower walls in stone and render and upper walls and roof in a dark olive green cladding.

71. The applicant has amended the submitted layout plans to indicate trees along the northern boundary line of the indoor arena. Appropriate species have been identified and specifications can be controlled via planning condition, should permission be granted. The viewing platform has been re-positioned adjacent to the proposed indoor arena and thus would be viewed against its backdrop as part of the built development, rather than a standalone isolated structure. Although tall, it is not large. The car and horsebox park has been reduced in size and consolidated to an area directly to the south of the proposed outdoor arenas. This would be constructed of hardcore material as opposed to be marked out or landscaped. The proposed farm store to the north of the site has been reduced from 3 separate buildings to one building and then substantially reduced in size further. The proposed education arena and stables has also been reduced in size. The proposed education arena and stables has also been substantially reduced in size from the original submission.

72. It is considered that the proposals are of an appropriate design and that their agricultural appearance is in keeping with the quality, character and appearance of the surrounding environment. The proposed layout of the different uses within the site are logical and relate well to each other. The farm and horse riding school are located close to the applicant’s dwelling. Car parking is located close to the access road and the proposed arenas. It is considered that the form and scale is appropriate given its siting within a lower part of the site and the proposed extensive landscaping. The use scale and extent has been well justified as being required in this location by the applicant.

73. There would be no loss of trees or hedges from the proposed development. Indeed the plans have been slightly amended to safeguard a row of Ash trees of high quality. Protective barriers would ensure the safeguarding of existing trees during construction. Significant structural landscaping in the form of trees and hedging would be provided around the buildings and wider site as required by Policy GD1 of the TLP. Specific finer details of this having regard to the layout of the site in relation to residential properties and public vantage points would be subject to control by planning conditions.

74. It is considered that subject to the suggested landscaping and materials conditions, the amended proposals would not significantly impact on the rural landscape and the proposed new buildings are appropriately sited, designed and landscaped as required by Policies GD1, ENV1, EN3, and TR7 of the TLP and of part 3 and 7 of the NPPF to ensure that the proposal would be sympathetic to the characteristic of the area.

Residential Impact

75. The nearest residential property is Tileshead Farm, located approximately 420m to the west of the proposed indoor arena and No. 1 Hilton sited approximately 360m to
the south of the proposed car parking. It is acknowledged that due to the nature, scale and extent of the proposals there would be likely to be some impact on the residential amenity enjoyed by the occupiers of this dwelling and other nearby residential properties. It is also noted that the Pollution Control Team has raised concerns regarding the potential for the proposals to cause a statutory nuisance to surrounding residential properties, in particular relating to noise from tannoy, activities on site and traffic.

76. In recognising the concerns raised by the Pollution Control Team and several local residents, officers have sought to work with the applicant to resolve these concerns having regard to the guidance set out within paragraphs 122 and 123 of the NPPF. In particular the guidance advises Local Planning Authorities to focus on whether the development itself is an acceptable use of the land, and the impact of the use. Paragraph 123 specifically advises that planning decisions should mitigate and reduce to a minimum adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions.

77. Concerns were initially raised regarding the potential for the equestrian centre to act as a venue for wider non-equestrian events such as for music concerts and as a general sporting venue, for example for boxing matches. The information submitted as part of a venue/concert noise impact assessment raised concerns from the Council’s Pollution Control Team. This is now not part of the proposals and would be prevented by planning condition. Resident’s concerns regarding possible other use on the site, with housing being specifically mentioned, would require a new planning application and would need to be assessed as this application is being.

78. Restrictions would also prevent the centre being used late into the evening and the outdoor speaker tannoy used outside sociable hours. The main equestrian buildings would also be sound proofed which would be ensured via planning condition. Traffic would also be encouraged to access the site from the main C3 road, to the east of the A688, through the closure of accesses into the site from Hilton Moor Lane thus reducing the impact upon residents. This would prevent excessive traffic using through the villages of Hilton and Evenwood Gate. Resident’s concerns regarding possible other use on the site, with housing being specifically mentioned, would require a new planning application and would need to be assessed as this application is being.

79. Given the distances from the proposed development to the nearest residential properties, the orientation of these properties, the existing hedging to the western boundary and trees to the south of the site and the restrictions to be put in place to protect residential amenity as much as possible, it is considered these properties or other nearby residential properties would not be significantly adversely affected by the proposed development. The significant existing and proposed trees and hedges would assist in filtering views of the proposed development from nearby properties. It is also noted that no floodlighting of outdoor riding arenas is proposed as part of this proposal. All other lighting to the buildings and car parks can be controlled by condition to be appropriate to the countryside location. On this basis it is considered that the proposal meets the aims set out in Policies GD1 and TR7 of the TLP.

Highway Safety, Access and Traffic Generation

80. A transport statement has been submitted in support of the proposal. It is considered that based upon the predicted vehicle movements associated with the type of events proposed, the traffic likely to be generated (which would vary depending upon the nature of the event) is unlikely to have significant effects in the operation of the local highway network during the weekday peak hours and at other
times. This is in line with paragraph 32 of the NPPF and Policies GD1 (R) and TR7 of the TLP. It is noted that paragraph 32 also states that development should only be refused on transport grounds where the residual cumulative impacts of development are severe.

81. Access to the equestrian centre for events would be taken solely from the southern access road, extending from the main C30 road. Other accesses into the site would be locked for events to prevent access being taken from Hilton Moor Lane. This is a narrow country lane unsuitable for additional vehicular traffic associated with the proposed development. Prevention of access from Hilton Moor Lane could be controlled by planning condition. It is proposed the site access would be widened to create a 10m radii with the C30 and the access gates set back to enable a vehicle to wait off the road whilst the gates are opened/closed. Subject to these requirements being met the use of this access is considered to be safe in terms of layout, construction and sightline visibility as required by Policy GD1 of the TLP. The Highway Authority consider the proposed amount of car, cycle and horse box parking is appropriate for the level of visitors envisaged in accordance with Policies T2 and GD1 of the TLP.

Nature Conservation

82. An extended phase 1 survey and a Great Crested Newt (GCN) survey have been submitted in support of the application. These established that there would be no statutory or non-statutory designated sites, protected flora or ancient woodland affected by the proposed development.

83. However, the submitted GCN survey has identified that GCN, a European protected species may be affected by this application having been identified in ponds on the site. The presence of protected species such as GCN is a material consideration, in accordance with Circular 06/05 and Paragraph 119 of the NPPF. The requirements of the Habitats Directive were brought into effect by the Conservation of Habitats and Species Regulations 2010 (and as amended in 2012). These regulations established a regime for dealing with derogations, which involved the setting up of a licensing regime administered by Natural England. Under the requirements of the Regulations it is a criminal offence to kill, injure or disturb the nesting or breeding places of protected species unless it is carried out with the benefit of a license from Natural England.

84. The species protection provisions of the Habitats Directive, as implemented by the Conservation of Habitats and Species Regulations 2010 (and as amended in 2012), contain three "derogation tests" which must be applied by Natural England when deciding whether to grant a licence to a person carrying out activity which would harm a European Protected Species (EPS). This licence is normally obtained after planning permission has been granted. The three tests are that: the activity to which the licence is required must be for imperative reasons of overriding public interest or for public health and safety; there must be no satisfactory alternative and favourable conservation status of the species must be obtained.

85. Notwithstanding the licensing regime, the local planning authority (LPA) must discharge its duty under Regulation 9(5) and also be satisfied that these three tests are met when deciding whether to grant planning permission for a development which could harm an EPS. A LPA failing to do so would be in breach of Regulation 9(5) of the 2012 Regulations which requires all public bodies to have regard to the requirements of the Habitats Directive in the exercise of their functions.
86. In respect of GCN a licence would be required from Natural England. In order to grant planning permission the LPA must therefore be satisfied that the development meets the public interest test; that there is no satisfactory alternative; and that the action would not be detrimental to the maintenance of the population of the species at a favourable conservation status in their natural range.

87. It is considered that there is no satisfactory alternative if a new equestrian centre is to be developed on this particular site. The proposal is considered to be in the public interest as there is a need for this type and size of facility in the North East of England and the proposal would support economic growth and job creation. It is in the public interest that the permission is capable of being implemented. Natural England and the Ecologist are satisfied that the mitigation and monitoring proposals (including the protection of individual newts from harm through a detailed trapping out scheme, creation of a new pond, new planting to create additional habitat and post development monitoring), if implemented, are sufficient to avoid adverse impacts on the local population of GCN. This would ensure that no GCN are harmed during the work and the breeding opportunities and habitat at the site would be equivalent or greater than at present and therefore avoid affecting favourable conservation status.

88. Subject to the proposed mitigation and monitoring conditions being adhered to it is considered that the proposed scheme would not be detrimental to the maintenance of the population of the species at a favorable conservation status in their natural range as defined in Regulation 44 of the Habitat Regulations. It is therefore considered that Natural England would be likely to grant a licence. Given this and that it is in the public interest that the permission can be implemented, the LPA can discharge its duty under Regulation 9(5). The proposal thus accords with the objectives of the NPPF.

89. The proposed mitigation and monitoring strategy is supported by Natural England and the Ecologist. It is considered there would not be significant impact on protected species and natural habitats as required by Policy ENV10 of the TLP and paragraphs 109, and 118 of the NPPF which requires that impacts on biodiversity should be minimised and net gains provided where possible.

Drainage

90. It is the intention to provide rainwater harvesting on the site with the overflow proposed to discharge to new and existing ponds. The foul water drainage system would comprise of a bio disc unit (package plant) which would cope with the capacity of the proposed use and buildings and discharge to the new pond. The Environment Agency considers that these proposed arrangements are acceptable in principle and advise that should planning permission be granted the details of could be adequately controlled by planning conditions. The Drainage Team has also advised that it welcomes the use of storage ponds. The imposition of conditions requiring approval of foul and surface water schemes and limiting surface water drainage to no more than the existing Greenfield situation would ensure that the proposed development complies with paragraphs 99 - 104 of the NPPF and Policies GD1, ENV14 and ENV15 of the TLP.

Other Matters

91. The Wackerfield Conservation Area and Hilton Conservation Area are 850m and 700m respectively from the application site. Although no designated heritage assets lie within the application site there are a number within 3km. The applicant has
submitted a Heritage Impact Assessment that assesses the impact of the development.

92. Given the distance from the designated heritage assets identified, the topography of the land and the supporting information, the assessment considers that the proposal would not have an adverse impact on any heritage assets. Design and Conservation officers have no objections to the proposals but requests that additional planting is requested and details of materials and colours are required through condition. It is not considered that the proposed development would adversely affect the setting of any designated or non-designated heritage asset or impact on any archaeological remains, as required by Policies BENV3, BENV4 and Part 12 of the NPPF.

93. A public right of way crosses the application site in an east west direction from Hilton Moor Road, over a stile leading through the site connecting to the C30 road to the south west of the site. This will be unaffected by the proposals, as required by Policy TR10 of the TLP. The advice received from the Access and Rights of Way Officer regarding safety and unrestricted use of the footpath by the public can be conveyed to the applicant by informatives attached to any planning permission.

94. The Sustainability Team has advised that the applicant should explore the potential to embed sustainability into the proposed buildings. This could potentially be through the use of local sustainable materials, the provision of low energy lighting and heating and renewable energy provision. This requirement could be attached as a planning condition to any planning permission granted.

95. The Coal Authority has identified a requirement to ensure that intrusive site investigation works are undertaken in order to establish whether there is a need for any remedial works to treat the areas of shallow mine workings to ensure the safety and stability of the site. As required by paragraph 121 of the NPPF this would be ensured by planning condition.

96. In respect of the advice offered by the Employability Team the applicant’s agent has advised that the applicant would endeavour to meet the employment and training aspirations which are suggested, which align with their own aspirations with regard to local employment.

CONCLUSION

97. The proposals, albeit at a smaller scale, have been granted planning permission previously in 2007 and 2008. It is considered that the proposed equestrian centre and agricultural building are appropriate countryside uses. The proposals would promote a new land based rural enterprise and leisure development in the countryside. This would benefit rural businesses and communities and encourage visitors to the area, as well supporting economic growth and job creation in County Durham.

98. The layout and use of the site and the siting, height and massing of the buildings and is considered acceptable, in terms of appropriately safeguarding the residential and visual amenity of nearby properties, subject to a number of restrictive and preventative conditions which would retain careful control over the appearance of the site and the extent of use of the development.
99. The development is considered acceptable in highway safety, access, parking and traffic terms, subject to conditions restricting access from the main road only and widening the access point into the site.

100. High value trees would be retained and comprehensive landscaping would be provided which would assist in blending the scheme into its surroundings and visually filtering the development. Subject to the proposed mitigation and monitoring strategy, the development is not considered to detrimentally affect the general population of Great Crested Newt species or negatively affect any other protected species.

101. Impacts on nearby heritage assets, the PROW, flood risk and drainage and sustainability have been assessed and considered to be acceptable, subject to the imposition of planning conditions.

102. Careful consideration was given to the concerns raised throughout the consideration process and these have been taken into account and addressed in detail within the body of the report and by the suggested planning conditions. On balance these were not felt to be of sufficient weight to justify refusal of the application in this case.

103. The proposed development is considered to broadly accord with the relevant policies of the Teesdale District Local Plan and meet the aims of national planning guidance contained within the NPPF.

**RECOMMENDATION**

That the application be **APPROVED** subject to the following conditions:

1. The development hereby approved must be begun no later than the expiration of three years from the date of this permission.

   *Reason: Required to be imposed pursuant to Section 92 of the Planning & Compulsory Purchase Act 2004.*

2. The development hereby approved shall be carried out in strict accordance with the following approved plans.

   **Plans**

   Site Plan. 12331/200H. 18th November 2013.
   Stores and Workshop. 12331/43/D. 18th November 2013.
   Typical Sections. 12310/30. September 2013.
   Stables. 12331/42B. 18th November 2013.
   First Floor Plan. 12331/6. September 2012.
   Observation Tower. 12331/44. July 2013.
3. No development shall be commenced until intrusive site investigation works are undertaken in order to establish the exact situation regarding coal mining legacy issues on the site. In the event that site investigations confirm the need for remedial works to treat the areas of shallow mine workings to ensure the safety and stability, these shall be undertook prior to the commencement of development in accordance with a scheme to be submitted and approved in writing with the Local Planning Authority.

Reason: To ensure that the application site is safe and stable for the approved development, as required by paragraph 121 of the National Planning Policy Framework.

4. No development shall take place until details of any earthworks have been submitted to and approved in writing by the Local Planning Authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, including the relationship of proposed mounding to existing vegetation, surrounding landform and residential properties. The development shall be carried out in accordance with the approved details.

Reason: In the interests of the visual and residential amenity of the area and to comply with Policies GD1, ENV1, ENV3 and TR7 of the Teesdale District Local Plan.

5. No development shall take place until a scheme to dispose of foul drainage has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved.

Reason: To prevent pollution of the water environment in accordance with Policy ENV14 of the Teesdale District Local Plan.

6. No development shall take place until a scheme to dispose of surface water has been submitted to and approved in writing by the Local Planning Authority. This should limit surface water discharge to Greenfield rates and include drainage calculations and storm checks to 1in30 and 1in100 year frequencies. The scheme shall be implemented as approved.

Reason: To ensure adequate drainage of the site in accordance with Policy ENV15 of the Teesdale District Local Plan.

7. Notwithstanding any information submitted, no development shall take place until a scheme demonstrating how C02 reduction and energy efficiency measures will be incorporated into the approved development has been submitted to and approved in
writing by the Local Planning Authority. Thereafter the development shall be implemented and retained in accordance with the approved scheme thereafter.

**Reason:** In order to minimise energy consumption and to comply with the aims of Policy GD1 of the Teesdale Local Plan and Part 10 of the NPPF.

8. Notwithstanding any details of materials submitted with the application samples of the external walling and roofing materials of the new buildings should be submitted to and approved in writing by the Local Planning Authority prior to the construction of the relevant phase of the development to which the material relates. The development shall be constructed in accordance with the approved details.

**Reason:** In the interests of visual amenity having regards to Policies GD1, ENV1, ENV3 and TR7 of the Teesdale District Local Plan.

9. Within three months of commencement of development full details of the surface treatment, construction of all hard surfaced areas and means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

**Reason:** In the interests of the visual amenity of the area and to comply with Policies GD1, ENV1, ENV3 and TR7 of the Teesdale District Local Plan.

10. Within three months of the commencement of development a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. Any additional tree felling to that approved should be approved in writing by the Local Planning Authority.

Any submitted scheme must be shown to comply with legislation protecting nesting birds and roosting bats.

The landscape scheme shall include accurate plan based details of the following:
- Trees, hedges and shrubs scheduled for retention.
- Details of hard and soft landscaping including planting species, sizes, layout, densities, numbers.
- Gapping of existing hedges and provision of new hedges adjacent roads and residential properties.
- Structural landscaping to the western and southern side of the approved development.
- Details of planting procedures or specification.
- Finished topsoil levels and depths.
- Details of temporary topsoil and subsoil storage provision.
- Seeded or turf areas, habitat creation areas and details etc. Details of land and surface drainage.
- The establishment of a maintenance regime, including watering, rabbit protection, tree stakes, guards etc.

The Local Planning Authority shall be notified in advance of the start on site date and the completion date of all external works. Trees, hedges and shrubs shall not be removed without agreement within five years.

**Reason:** In the interests of the visual amenity and character of the area and to comply with Policies GD1, ENV1, ENV3, ENV10 and TR7 of the Teesdale District Local Plan.

11. All planting, seeding or turfing and habitat creation in the approved details of the landscaping scheme shall be carried out in the first available planting season following the practical completion of the development. No tree shall be felled or hedge removed
until the removal/felling is shown to comply with legislation protecting nesting birds and roosting bats.
Any approved replacement tree or hedge planting shall be carried out within 12 months of felling and removals of existing trees and hedges.
Any trees or plants which die, fail to flourish or are removed within a period of 5 years from the substantial completion of the development shall be replaced in the next planting season with others of similar size and species.
Replacements will be subject to the same conditions.

Reason: In the interests of the visual amenity and character of the area and to comply with Policies GD1, ENV1, ENV3, ENV10 and TR7 of the Teesdale District Local Plan.

12. No construction work shall take place, nor any site cabins, materials or machinery be brought on site until all trees and hedges, indicated on the approved tree protection plan as to be retained, are protected by the erection of fencing, placed as indicated on the plan and comprising a vertical and horizontal framework of scaffolding, well braced to resist impacts, and supporting temporary welded mesh fencing panels or similar approved in accordance with BS.5837:2005.
No operations whatsoever, no alterations of ground levels, and no storage of any materials are to take place inside the fences, and no work is to be done such as to affect any tree.
No removal of limbs of trees or other tree work shall be carried out.
No underground services trenches or service runs shall be laid out in root protection areas, as defined on the Tree Constraints Plan.

Reason: In the interests of the visual amenity and character of the area and to comply with Policies GD1, ENV1, ENV3, ENV10 and TR7 of the Teesdale District Local Plan.

13. The tree works hereby approved shall be carried out in accordance with BS 3998:2010 Recommendations for Tree Work.

Reason: In the interests of the visual amenity of the area and to comply with Policies GD1, ENV1, ENV3, ENV10 and TR7 of the Teesdale District Local Plan.

14. The improved C30 junction and car/horsebox parks shall be constructed and made available for use before the development is brought into use.

Reason: In the interests of highway safety having regard to Policies GD1 and TR7 of the Teesdale District Local Plan.

15. Facilities for the storage and collection of refuse shall be submitted to and approved in writing by the Local Planning Authority and provided before the site and buildings are brought into use. The development shall be carried out in accordance with the approved details.

Reason: In the interests of the visual amenity of the area and to comply with Policies GD1, ENV1, ENV3 and TR7 of the Teesdale District Local Plan.

16. Details of the height, type, position and angle of any external lighting shall be submitted to and approved in writing by the Local planning authority prior to the development hereby permitted being brought into use. The lighting shall be erected and maintained in accordance with the approved details.

Reason: In the interests of the visual amenity of the area and to comply with Policies GD1, ENV1, ENV3, TR7 of the Teesdale District Local Plan.
17. Details of the height, type, position and angle of any external tannoy/PA system shall be submitted to and approved in writing by the Local Planning Authority prior to the development hereby permitted being brought into use. The tannoy system shall be erected and maintained in accordance with the approved details.

Reason: In the interests of the visual amenity of the area and to comply with Policies GD1, ENV1, ENV3, TR7 of the Teesdale District Local Plan.

18. Prior to being discharged into any watercourse, surface water or soakaway system, all surface water drainage from parking areas and hardstandings shall pass through an oil interceptor designed and constructed in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure proper drainage of the site and prevent pollution of the water environment in accordance with Policies ENV14 and ENV15 of the Teesdale Local Plan.

19. All event and other commercially related vehicular traffic must solely utilise the C30 access with all the existing accesses between the site and Hilton Moor Lane closed to such traffic.

Reason: In the interests of highway safety having regard to Policies GD1 and TR7 of the Teesdale Local Plan.

20. No operations associated with the construction phase of the development hereby approved shall be carried out outside the hours of:
   - Monday to Friday – 08.00 – 1800hours
   - Saturdays – 08.00 – 1200hours
   - Sundays – None
   - Public and Bank Holidays – None

Reason: In the interests of residential amenity in accordance with Policies GD1 and TR7 of the Teesdale District Local Plan.

21. The development hereby approved shall be only be used for the following equestrian events; Show jumping, Eventing, Dressage, Showing, Horse exercise, Horse schooling, Rider and horse training, Access to hacks and bridleways, Handball and Polo.

   The development shall not be used for any concerts or other sporting events not listed above.

Reason: In the interests of the residential amenity of the area and to comply with Policies GD1 and TR7 of the Teesdale District Local Plan.

22. Other than the equestrian events listed in condition, the use of the approved development shall be limited to the following corporate events only; Saddle, Equestrian Trade Stand, Tractor and Machinery shows and Equestrian clinics and rallies. There shall be no more than one corporate event a month and no more than 12 corporate events a year.

Reason: In the interests of the residential amenity of the area and to comply with Policies GD1 and TR7 of the Teesdale District Local Plan.

23. The use/operation of the Equestrian Centre development and all associated facilities hereby approved shall only take place between 08:00 and at 21:00 hours on any day.
24. The operation of any outdoor PA/tannoy system shall not be carried out outside the hours of 08:00-18:00 on any day.

Reason: In the interests of the residential amenity of the area and to comply with Policies GD1, TR7 and TR7 of the Teesdale District Local Plan.

25. There shall be no external storage of waste, materials, goods, machinery, plant and/or equipment on the site.

Reason: In the interests of the visual amenity of the area and to comply with Policies GD1, ENV1, ENV3 and TR7 of the Teesdale District Local Plan.

26. The development shall be carried out in accordance with the Mitigation detailed in Section G of the amended Great Crested Newt Report (Report no. 3, November 2013), including but not restricted to; the acquisition of a protected species development license, trapping out and translocation of newts, creation of 3 new ponds and the restoration of ponds 2, 6, 7 and 8.

Reason: To ensure compliance with the requirements of Part 11 of the NPPF and Regulation 9(5) of the Conservation of Habitats and Species Regulations 2012 (as amended) and Policy ENV10 of the Teesdale District Local Plan.

27. No development shall take place until a detailed management plan and monitoring programme for the retained and created habitats are submitted and agreed by the Local Planning Authority.

Reason: To ensure compliance with the requirements of Part 11 of the NPPF and Regulation 9(5) of the Conservation of Habitats and Species Regulations 2012 (as amended) and Policy ENV10 of the Teesdale District Local Plan.

28. The approved timber fencing to the outdoor arenas shall not be painted white and shall be retained and maintained in a natural wood colour.

Reason: In the interests of the visual amenity of the area and to comply with Policies GD1, ENV1, ENV3 and TR7 of the Teesdale District Local Plan.

**STATEMENT OF PROACTIVE ENGAGEMENT**

The Local Planning Authority in arriving at its decision to support these applications have, without prejudice to a fair and objective assessment of the proposals, issues raised, and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF.

(Statement in accordance with Article 31(1) (CC) of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.)

**BACKGROUND PAPERS**

- Submitted application forms, plans and supporting documentation.
- National Planning Policy Framework
- Teesdale District Local Plan (2002)
- Emerging County Durham Local Plan
- Statutory, internal and public consultation responses.
Planning Services

Construction of new equestrian centre including indoor arenas, outdoor arenas, viewing platform, car parks, horsebox park, stables, implement store, erection of vehicle workshop. Change of use from agricultural holding to sporting use at Hilton Moor Farm, Evenwood Gate, Bishop Auckland, County Durham. DL14 9NS (CMA/6/64)

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APPLYING DETAILS

APPLICATION NO: CMA/3/59

FULL APPLICATION DESCRIPTION: Refurbishment of Gypsy Roma Traveller site to include an increase in plot numbers from 21 to 25, and the erection of amenity blocks, community building, warden’s block, play area and associated infrastructure works

NAME OF APPLICANT: Durham County Council

ADDRESS: Green Lane Travellers site, Green Lane, Bishop Auckland, Co Durham, DL14 6RS

ELECTORAL DIVISION: Shildon & Dene Valley

CASE OFFICER: Peter Herbert, Senior Planning Officer 03000 261391 peter.herbert@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. Green Lane Traveller Site is located on the southern edge of Bishop Auckland within the town’s settlement boundary. To the north is the route of a former railway line restored to open rough grassland, an NEDL electricity substation and community fire station. To the south and east runs the River Gaunless with open countryside beyond. To the west is Green Lane, off which access to the site is taken, with a terrace of three dwellings, stabling, kennels, and a house beyond. Green Lane’s primary access is from the north off the A688 Auckland Bypass.

2. The existing site (5.16 hectares) has a linear design built around a gently curving central access road that terminates in a turning head at the north eastern end. The site is currently host to 21 caravan pitches served by 10 semi-detached and 1 detached amenity building. The amenity buildings are brick built with pitched tiled roofs, and are set back approximately 7 metres from the internal access road. The site is enclosed by a galvanised steel palisade fence and lies within the River Gaunless flood plain.

The Proposal

3. Durham County Council currently owns and manages 6 Gypsy Roma Traveller sites across County Durham. Over the past 5 years, 2 of the 6 sites have been successfully refurbished and funding has now been secured to refurbish the remaining 4, with the Green Lane site being one of these.

4. It is proposed that the current site be replaced by another on higher land immediately to the north, outside the flood plain. Once the new site has been completed, the original would be demolished, building bases and service road taken up, and the
5. The new 5 hectare site would be occupied by 25 pitches each measuring 12 metres in width and 22 metres in length. Each pitch would be served by an amenity block. It is proposed that there would be 11 semi-detached amenity blocks, 1 accessible block for the disabled, and 1 detached block for the warden. There would also be a new community building and children’s play area as part of the proposals.

6. The linear development would run from Green Lane in a gently curving north easterly direction, with pitches and associated amenity buildings arranged either side of a service road terminating at its north eastern end in a turning head, off which there would be parking spaces. The warden and community buildings, and play area, would be located at the western end of the service road next to a swipe card controlled barrier entrance from Green Lane, together with additional parking. A 1.8 m wide footpath would run along each side of the service road. As the Green Lane footpath is in poor condition the service road footpath will be extended along the lane’s eastern side in a northerly direction to a point opposite the terraced housing. A 1.8 m timber palisade fence would enclose the site, with each plot enclosed by lower fencing.

7. The proposed amenity blocks would measure 9 metres by 8.8 metres with a height of 4.7 metres to the ridgeline of the roof. The accessible amenity block would measure 9.5 metres by 8.8 metres with a height of 4.7 metres to ridgeline. The detached warden’s block would measure 11.9 metres by 4.4 metres with a height of 5 metres to the ridgeline of the roof. The proposed community block would measure 10.5 metres by 5.2 metres with a height of 4.9 metres to the ridgeline of the roof. The buildings would be constructed with facing brick walls and a concrete tile roof. Doors and windows would be white UPVC, rainwater goods would be black UPVC. The refurbishment works are

8. The application is being reported to the County Planning Committee because it is a major County Council led development.

**PLANNING HISTORY**

9. The application site has operated as a traveller site since 1982.

**PLANNING POLICY**

**NATIONAL POLICY**

10. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social, and environmental, each mutually dependant.

11. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve ‘core planning principles’.
12. In accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policy will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. The relevance of this issue is discussed, where appropriate, in the assessment section of the report. The following elements of the NPPF are considered relevant to this proposal:

13. **NPPF Part 7 – Requiring Good Design** – The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning. Planning policies and decisions must aim to ensure developments; function well and add to the overall quality of an area over the lifetime of the development, establish a strong sense of place, create and sustain an appropriate mix of uses, respond to local character and history, create safe and accessible environments and be visually attractive.

14. **NPPF Part 8 – Promoting Healthy Communities**. Recognises the part the planning system can play in facilitating social interaction and creating healthy and inclusive communities. Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities and planning policies and decisions should achieve places which promote safe and accessible environments. This includes the development and modernisation of facilities and services.

15. **NPPF Part 10 – Meeting the Challenge of Climate Change, Flooding and Coastal Change** – Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy.

16. **NPPF Part 11 – Conserving and Enhancing the Natural Environment** – The planning system should contribute to, and enhance the natural environment by; protecting and enhancing valued landscapes, recognising the benefits of ecosystem services, minimising impacts on biodiversity and providing net gains in biodiversity where possible, preventing new and existing development being put at risk from unacceptable levels of soil, air, water or noise pollution or land instability, and remediating contaminated and unstable land.

17. Planning Policy for Traveller Sites 2012 sets out the Government’s broad policy for traveller sites. The Government’s overarching aim is to ensure fair and equal treatment for travellers, in a way that facilitates their traditional and nomadic way of life while respecting the interests of the settled community. When considering applications, local planning authorities should attach weight to the following matters:

1. Effective use of previously developed (brownfield), untidy or derelict land.
2. Sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness.
3. Promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children.
4. Not enclosing a site with so much hard landscaping, high walls or fences that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community.


LOCAL PLAN POLICY:

Wear Valley District Local Plan (1997) (WVLP)

18. Policy GD1 – General Development Criteria – requires all new development and redevelopment to be designed and built to a high standard capable of contributing to the quality and built environment of the surrounding area.

19. Policy H28 – Gypsy Sites – states that planning permission will be granted for permanent, temporary or transit accommodation for gypsies and travellers provided that there is good access to local services, vehicular access and parking is satisfactory, the scale does not adversely impact upon the residential amenity levels of those living closeby, no adverse landscape impact results, the site is planned comprehensively to include all necessary spaces required by travelling families, and that a high standard of design is achieved.

20. Policy T1 – Transportation General Policy – requires all developments which generate additional traffic to provide adequate access, not exceed the capacity of the local road network, and be capable of access by public transport.

RELEVANT EMERGING POLICY:

The County Durham Plan

21. The Pre-Submission Draft Local Plan was approved for consultation by Cabinet on 18 September 2013. This publication stage document represents a relatively advanced stage of Plan production, reflecting the Council’s position, and only fine tuning is expected following the consultation of between October and December 2013 prior to submission to the Secretary of State for examination. The application site is identified as white land within the County Durham Local Plan.

The above represents a summary of those policies considered relevant. The full text, criteria, and justifications can be accessed at: http://www.durham.gov.uk/Pages/Service.aspx?ServiceId=494 (Wear Valley Local Plan) http://www.durham.gov.uk/pages/Service.aspx?ServiceId=856 (County Durham Plan)

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

22. Environment Agency – has raised no objections to the proposal. However, the development will only be considered to meet the requirements of the NPPF, as it relates to flood risk, if the measures outlined in the submitted Flood Risk Assessment are implemented, and secured by way of a planning condition. Advice is also provided regarding risks to controlled waters, land contamination and foul drainage.

23. The Coal Authority – has raised no objections to the proposal. Noting that the development falls within the defined Coal Mining Development Referral Area, it is acknowledged that the applicant has obtained appropriate and up-to-date coal mining information that informs the Coal Mining Risk Assessment as contained within the submitted Geotechnical and Geo-Environmental Report. The broad conclusion of that assessment is that the coal mining legacy within the application site is not significant, and possesses no risk to development, and this is accepted and no specific mitigation measures are required as part of this proposal to address coal mining legacy issues.
24. *Highway Authority* – welcomes the proposed footpath link between site and Green Lane. To avoid the new footway being fully parked upon by vehicles in future, negating the reason for its installation, the bollards to prevent such parking should be considered. Reference has also been made to the desirability of the internal site service road being a uniform 6 m in width. However, no objections are raised to this proposal.

25. *Northumbrian Water* – has observed that a public sewer crosses the site which could potentially be affected by the proposed development. The Water Authority does not permit a building over or close to its apparatus, and has undertaken to discuss the matter directly with the applicant to establish the exact location of its assets and to secure any necessary diversions.

**INTERNAL CONSULTEE RESPONSES:**

26. *Landscape* – has raised no objections to the proposal. However, it is recommended that a landscape scheme be prepared to mitigate the visual impact of the development, and this now forms part of the proposal.

27. *Ecology* – officers raise no objection. However, it is suggested that as an informative to any planning permission, it be stated that, ideally, ground preparation work be carried out outside of the bird breeding season, but where such work is necessary a suitably qualified ecologist should first check breeding bird habitats.

28. *Pollution Control* – officers raise no objection to the proposal subject to a condition requiring it being a condition that further ground gas and ground water monitoring be carried out together with an association risk assessment, prior to development commencing, and appropriate remediation measures put in place.

29. *Access and Rights of Way* – has raised no objections to the proposal. The nearest recorded right of way is Bridleway No. 75 (Shildon) some 280 m to the south east of the site which will not be affected by the proposal.

30. *Design and Conservation* – has raised no objections to the proposal. It is noted that no heritage assets would be affected.

**PUBLIC RESPONSES:**

31. The application has been advertised in the press and by site notices, and those living closest have been individually consulted.

32. Letters of objection have been received from the occupiers of numbers 1 and 2 Green Lane, two of the terraced properties to the north west of the application site. The concerns comprise:

- The closeness of the proposed site to their homes, particularly in respect of overlooking and potential noise from the community building. Residents would prefer the site to remain where it is and be refurbished in that location, or ideally moved to another part of Bishop Auckland;
- The closeness to a busy road, with reference being made to its blocking from time to time by unauthorised activities;
- Closeness to an electricity substation that may perpetuate metal fence removals and break-ins, necessitating NEDL erecting higher fencing that would dominate the objectors' homes opposite;
- The unauthorised removal of screen planting associated with the original traveller site which has made that site more visible than was originally intended to be the case;
- A likelihood of the further use of Green Lane for “illegal” purposes including the dismantling of commercial vehicles;
- A proliferation of loose horses being allowed to roam the area; and,
- A lack of a post code for the existing site which, if not rectified for the proposed site, would lead to further mail going astray.

**APPLICANTS STATEMENT:**

33. The Green Lane Traveller site is over 40 years old and in need of refurbishment. This proposal offers an opportunity to provide a slightly enlarged site with improved facilities, outside the flood zone in which the current site lies, and at a time when finance is available.

*The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at http://spatial.durham.gov.uk/dcs/DetailMain.asp?appid=2831&AppRef=&Category=All&Status=All&Appeal=All&District=2&Month=All&Year=All*

**PLANNING CONSIDERATIONS AND ASSESSMENT**

34. Having regard to the requirements of section 38(6) of the Planning and Compulsory Purchase act 2004, the relevant Development Plan policies, relevant guidance and all other material considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of development, visual impact, access and traffic, and impact upon neighbouring residential amenity, ecology, flood risk and ground conditions.

Principle of Development

35. The Planning Policy for Traveller Sites 2012 states that Local Authorities should effectively use previously developed, untidy or derelict land for Traveller sites, promote opportunities for healthy lifestyles in terms of opportunities for play, and not overly enclose a site so that it is deliberately isolated. Policy H28 of the Wear Valley District Local Plan states that traveller sites will be approved where they have good access to community facilities, have adequate vehicular access and parking, would not adversely impact upon the amenity levels of neighbours, would not have an unacceptable landscape impact, and are planned comprehensively.

36. The proposed refurbishment of the Green Lane site would make use of poor quality grassland adjoining an existing Traveller site that has been in continuous use for the past 41 years. The location chosen would remove development from within a flood zone, improve living conditions and site appearance, and cause minimal disruption for families living at the existing site.

37. The site is well located on the edge of Bishop Auckland relative to community facilities, comparatively well contained, but not deliberately isolated, and will include community facilities in the form of a purpose built block, and a children’s play area. This is therefore considered to be a sustainable form of development, in line with the objectives of NPPF Parts 8 and 10, Planning Policy for Traveller Sites 2012 and Policy H28 of the Local Plan.
Visual Impact

38. The existing site consists of small brick pitched roof buildings arranged around a linear access road and surrounded by metal fencing. There are hard surfaced areas adjacent to each building to provide space to park caravans and motorised vehicles. The refurbished site would be similar in appearance and involve a similar land take. The proposed buildings would be built in a uniform style with matching materials and would all be single storey and arranged in a linear form. However, by virtue of the new site’s development, landscaping, and closer position to other existing development, its visual impact should be lessened when viewed from a distance, and enhanced when viewed from closeby. This is considered to meet the objectives of NPPF Part 7 and Policy GD 1 of the Local Plan.

39. The removal of earlier planting will be compensated for in part by proposed new planting. Landscaping in the form of hedge planting with protective fencing would take place around the north western edge, providing a green foil for those viewing the site from that direction from Green Lane and the terrace of residential properties with it. Overall visual impact would not be significantly greater than that of the existing site. The removal and failure of earlier planting will be compensated for in part by proposed new planting. It is therefore concluded that the objectives of Policy GD1 of the Local Plan have been met.

Access and Traffic

40. The proposed new vehicular access to the site would be 40m to the north of that which currently serves the existing site. This is considered to be acceptable by the Highway Authority. Footpaths would be provided along each side of the site’s internal 6 m wide service road, with the northern path connecting to Green Lane, and continuing along its eastern edge in a northerly direction to a point opposite where an existing path begins along the western side of Green Lane. This footpath continuity is welcomed.

41. Green Lane is judged to be safely capable of accommodating the additional traffic associated with the creation of 4 additional pitches, and the access arrangements, service road layout and parking provision are considered to be satisfactory, with no objections raised by the Highway Authority. The objectives of NPPF Part 8 Policy T1 of the Local Plan are therefore considered to have been met.

Residential Amenity

42. The refurbished site’s northern boundary would be 110 m closer to the terraced housing at 1-3 Green Lane, bringing it to within 40 m of the most southerly gable. However, this is not considered that this would diminish the levels of residential amenity those living there can reasonably expect to enjoy, taking into account the existing mixed use character of the area and mitigating planting.

43. Concerns have been expressed regarding the impact of the closer proximity of the Traveller site to residential properties at 1-3 Green Lane. At its nearest point the refurbished site would be 40 m from the nearest house gable, the relationship being a diagonal one across Green Lane. This is 110 m nearer than is currently the case. The nearest building would be the community block, the use of which would be carefully controlled by the site warden who would live on-site. Normally its use would only take place during the day for such purposes as play groups, keep fit classes and clinics. It would be possible to hire it for evening use for such purposes as children’s parties etc, but the consumption of alcohol on the premises would be prohibited.
44. In view of the mixed use nature of Green Lane, and the level of activity already associated with it, including stabling, kennels, and the existing Traveller site, it is not considered that the relocated and refurbished site is likely to materially impact upon residential amenity levels for those living there. Furthermore, the proposed site’s significantly approved appearance, and landscape planting, would help off-set the impact of its closer proximity.

45. It is therefore considered that the proposal accords with the requirements of the Planning Policy for Travellers Sites 2012 and meets the objectives of Local Plan Policies GD1, H28 and T1 of the Local Plan.

Ecology

46. An Ecological Assessment that accompanies the application has been reviewed, and has not resulted in any objection from the Ecology Team. However, an informative concerning construction work avoiding breeding bird periods would accompany any planning permission. The objectives of NPPF Part 11 are therefore considered to have been met.

Flood Risk

47. The current site lies within the flood plain of the River Gaunless. The proposed site would be on higher land to the north outside than plain, thus significantly reducing flood risk. This meets the objectives of NPPF Part 11.

Ground Conditions

48. The findings of the Geotechnical and Geo-Environmental Interpretive Report that accompanied this application are accepted by the Pollution Control Team. However, the area modelled exceeds that of the application site and therefore introduces extraneous issues. Furthermore, ground gas and ground water monitoring is incomplete. A planning condition would therefore need to be imposed upon any permission requiring these issues to be addressed prior to development commencing.

49. The Coal Authority has appraised the aforementioned submitted reports and considers that no specific mitigation measures are required as part of this proposal to address coal mining legacy issues. Accordingly, the proposals are considered to comply with the requirements of NPPF Part 11.

Other matters

50. Concerns regarding unauthorised activities such as commercial vehicle dismantling, the roaming of loose horses, and removal of NEDL fencing have been investigated and addressed in the past, and would continue to be so were such incidents to reoccur. However, they are not relevant to the consideration of this application. The issue of a site specific post code for the Traveller site is being pursued by the Council.

CONCLUSION

51. The proposed development would be a significant and lasting improvement upon the existing established Traveller site. The development would provide modern, purpose built and energy efficient buildings to meet the needs of the County’s Traveller
community. The development is sited on poor quality grassland above the River Gauntless flood plain within which the present site lies, and would continue to be well linked to public transport and community facilities.

52. The proposed buildings’ scale and design are considered to be in keeping with their surroundings, and should enhance the appearance of the area. The proposed site access and traffic levels predicted to be associated with a slight increase in pitch numbers are considered to be entirely acceptable by the Highway Authority.

53. The proposed development is therefore considered to be fully sustainable, and in accordance with the stated objectives of parts 7, 8, 10 and 11 of the NPPF, Planning Policy for Travellers Sites 2012, and Policies GD1, H28 and T1 of the Local Plan.

**RECOMMENDATION**

That the application be **APPROVED** subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

   *Reason: Required to be imposed pursuant to Section 92 of the Planning & Compulsory Purchase Act 2004.*

2. The development hereby approved shall be carried out only in accordance with the approved plans and specifications contained within:

<table>
<thead>
<tr>
<th>Plan Type</th>
<th>Drawing Number(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Location Plan</td>
<td>Dwg No A000-02 Rev A Green Lane Traveller Site</td>
</tr>
<tr>
<td>Proposed Site Plan</td>
<td>Dwg No A100-01 Green Lane Traveller site</td>
</tr>
<tr>
<td>Proposed Site Sections</td>
<td>Green Lane Traveller Site</td>
</tr>
<tr>
<td>Amenity Block</td>
<td>Dwg No A200-01 Green Lane Traveller Site</td>
</tr>
<tr>
<td>Warden’s Block</td>
<td>Dwg No A200-02 Green Lane Traveller Site</td>
</tr>
<tr>
<td>Accessible Block</td>
<td>Dwg No A200-03 Green Lane Traveller Site</td>
</tr>
<tr>
<td>Community Building</td>
<td>Dwg No A200-04 Green Lane Traveller site</td>
</tr>
<tr>
<td>Proposed Landscaping Plan</td>
<td>Dwg No Landscape-01</td>
</tr>
</tbody>
</table>

   *Reason: To meet the objectives of Policy GD1 of the Wear Valley District Local Plan*

3. Notwithstanding the information shown on the submitted application details of all materials to be used externally and the standard of their finish shall be submitted to and approved by the Local Planning Authority in writing before the development is commenced, and thereafter implemented in accordance with the approved scheme.

   *Reason: To meet the objectives of Policy GD1 of the Wear Valley District Local Plan*

4. Landscaping contained within approved drawing Dwg No Landscape-01 shall be carried out in the first available planting season following the practical completion of the development. Any trees or plants which die, fail to flourish, or are removed within a period of 5 years from the substantial completion of the development shall be replaced in the next planting season with others of similar size and species.

   *Reason: To meet the objectives of Policy GD1 of the Wear Valley District Local Plan*
5. The recommendations contained within the submitted AECOM Green Lane – Gypsy Roma Traveller Site Flood Risk Assessment April 2013 shall be carried out in full.

   Reason: To reduce the risk of flooding to the occupants of the development in accordance with Part 11 of the NPPF.

6. Upon meaningful occupation of the approved development, the existing site shall be demolished, hardstanding removed, and the land top soiled and seeded.

   Reason: In the interests of visual amenity in accordance with the objectives of Policy GD1 of the Wear Valley District Plan.

7. No development shall take place until a revised conceptual model reflecting the submitted planning boundary is submitted to the Local Planning Authority to satisfy the requirements of the Phase 1 Desk Study contained within the submitted AECOM Green Lane, Geotechnical and Geo-Environmental Desk Study October 2012.

   No development shall take place until an addendum to the Phase 2 site investigation is submitted to and agreed in writing by the Local Planning Authority, to include the ground gas monitoring and ground water monitoring results and risk assessment and proposals for the remediation measures (if different from the Phase 2 report).

   If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination, shall be submitted to and agreed in writing by the Local Planning Authority.

   Following remediation measures being implemented at the site, a final validation statement shall be submitted in writing to the Local planning Authority in accordance with the remediation recommendations of the above ‘Phase 2’ report.

   Reason: To make the site suitable for use and to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with paragraph 121 of the NPPF.

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its decision to support this application has, without prejudice to a fair and objective assessment of the proposals, issues raised, and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF. (Statement in accordance with Article 31(1) (CC) of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.)

BACKGROUND PAPERS

- Submitted application forms, plans supporting documents and subsequent information provided by the applicant.
- The National Planning policy Framework (2012)
Refurbishment of Gypsy Roma Traveller site to include an increase in plot numbers from 21 to 25, and the erection of amenity blocks, community building, warden's block, play area and associated infrastructure works at Green Lane Travellers site, Green Lane, Bishop Auckland, Co Durham, DL14 6RS (CMA/3/59)

Comments

Date  3 December 2013

Scale  1:1250

BACKGROUND

1. On 24 September 2012 planning permission was refused by officers under delegated authority, for two planning applications for the variation of planning conditions relating to existing planning permissions to revise site restoration contours, tree and shrub planting densities, and to extend the time period for the submission of restoration plans at Crime Rigg Quarry, Shadforth.

2. The applications were refused for 2 identical reasons. The reasons relate to the principle of the development in that the material could be best used to achieve environmental benefits at other sites where there is sufficient tipping capacity or could be reused or recycled being a more positive use than depositing it at the application site. Also that there is no demonstrated need or overall environmental benefit in revising the approved restoration contours by the importation of additional waste materials. It was therefore considered that the proposals were contrary to County Durham Waste Local Plan Policies W2 and W46.

3. The applicant (referred to as the appellant once an appeal has been made) appealed against the Council’s decisions which were dealt with by the written representations procedures. A site visit took place on 14 August 2013. The Planning Inspector’s decision letter was issued on 14 October 2013. The Inspector concluded that the appeals are dismissed.

ISSUES CONSIDERED BY THE PLANNING INSPECTOR

4. As well as considering the applicability of County Durham Waste Local Plan Policies W2 and W46 to the consideration of the proposals, the Inspector considers County Durham Minerals Local Plan Policies M35 and M47 (relating to the provision of recreational facilities following mineral development) are also of relevance. She notes that national policy for minerals encourages authorities to provide for restoration and aftercare to the carried out to high environmental standards through the application of appropriate conditions and that Minerals Local Plan Policies M35 and M47 are consistent with current national policy.

5. The Inspector considers that the appeal proposals would enable the management of an additional 500,000m3 of waste at Crime Rigg, a capability which is not there at present. In that sense she is of the view that the proposals would amount to a new facility and new landfill capacity would be created. She notes that Waste Local Plan Policies W2 and W47 are broadly consistent with national policy for waste management.
6. In the light of the above, the Inspector considers that the main issue in these appeals is whether the proposals would contribute to the sustainable management of waste, particularly with reference to whether there is an established need for the proposed facility, the implications of the proposals for the movement of waste up the hierarchy and whether they would achieve an overall environmental benefit.

**PLANNING INSPECTOR’S CONCLUSIONS**

7. In conclusion, whilst the Inspector found that the proposals would draw support from policies in the County Durham Minerals Local Plan, she considers this would not be sufficient to outweigh the clear conflict with policies for the sustainable management of waste set out in the County Durham Waste Local Plan. On that basis, she concludes that the proposals do not accord with the development plan as a whole. Also, although it may well be necessary to reconsider the contours of the restoration strategy in relation to accessibility, the proposals as they stand have not demonstrated that this is sufficient to outweigh the harm to the waste planning strategy. Consequently, she concludes that the appeals should not succeed with regard to the proposed revisions to Condition 1 of the current planning permissions.

8. The Inspector goes on to consider that the six month period allowed for the submission of details of the restoration scheme, as set out in Condition 3 of these permissions, has expired. The information provided in support of the appeal proposals suggests there may well be a need to reconsider the restoration contours, meaning that additional time will be required to devise and agree such a scheme. However, since insufficient information has been provided to justify the scheme before her, it is doubtful that the suggested three month period would be adequate. No alternative time period has been suggested. It seems to the Inspector therefore, that the most reasonable course of action is to leave the existing permissions undisturbed until the situation can be reviewed and the Council and Appellant are able to agree a new timetable. For this reason, the appeals also fail with regard to the proposed extension to the time period contained in Condition 3.

9. For the reasons given above, she concludes that the appeals should be dismissed.

**RECOMMENDATION:**

10. That the Committee notes the decision which can be viewed via the County Council’s website.

**BACKGROUND PAPERS**

Appeal decision letter.